

VERMONT.

Ira Towne to be postmaster at Richmond, Vt.
Carroll B. Webster to be postmaster at Barton, Vt.

VIRGINIA.

Channing M. Goode to be postmaster at College Park, Va.
Thomas G. Peachy to be postmaster at Williamsburg, Va.
F. W. Rose to be postmaster at Franklin, Va.

WASHINGTON.

John C. Davis to be postmaster at Leavenworth, Wash.

WEST VIRGINIA.

William W. Hamilton to be postmaster at Bramwell, W. Va.
Zephaniah J. Martin to be postmaster at Amos, W. Va.
Sarah K. Rush to be postmaster at Newell, W. Va.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, Wis.
Robert J. Audiss to be postmaster at Westfield, Wis.
John G. Burman to be postmaster at Amery, Wis.
Danal P. Butts to be postmaster at Frederic, Wis.
John B. Maloney to be postmaster at Kenosha, Wis.
George B. Parkhill to be postmaster at Thorp, Wis.
Frank J. Salter to be postmaster at Prentice, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 9, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

BIRTHDAY OF ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of House joint resolution 247, and that the Senate amendment be disagreed to.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Committee on the Library be discharged from the further consideration of the House joint resolution which was read yesterday, and that the House disagree to the amendment of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. MADDEN. Mr. Speaker, I move that the House concur with the amendment of the Senate.

The SPEAKER. The gentleman from Massachusetts has asked unanimous consent to discharge the Committee on the Library and disagree to the amendment of the Senate. These two requests are coupled together.

Mr. MADDEN. Then I object, Mr. Speaker.

Mr. McCALL. I hope the gentleman from Illinois will withhold his objection for a moment.

Mr. MADDEN. I will withhold it.

Mr. McCALL. Mr. Speaker, the House resolution was reported by the Committee on Library subsequent to the message of the President recommending that the 12th of February of this year, the one hundredth anniversary of the birth of Abraham Lincoln, be made a legal holiday. The House passed that resolution and it went to the Senate. The Senate added an amendment, the substance of which was to provide for the survey of a road to Gettysburg. Under the rule that amendment would go to the Committee on Library, and if we reported favorably, it would have to go to the Committee of the Whole House, and it would be quite impossible during the time between now and Friday to decide the question. I am informed that for the purpose of carrying through the recommendation of the President to have Friday made a legal holiday the other branch will probably recede so that the resolution will at once go to the President. Of course, if another proposition is insisted upon it will result in defeating the main purpose of the resolution.

Mr. MADDEN. Will the gentleman yield?

Mr. McCALL. I will yield to the gentleman from Illinois.

Mr. MADDEN. I wish to say in reply to the gentleman who makes the statement that personally I am in favor of the amendment put on by the Senate, and if unanimous consent is to be given with the end in view of striking out the Senate amendment from the resolution, I shall feel obliged to object.

Mr. McCALL. Mr. Speaker, I will say that that would not finally dispose of the proposition contained in the Senate amendment; but if the gentleman is in favor of a holiday on Friday, and everybody is, it gives the two Houses an opportunity to do the only thing possible between now and Friday, and that is to decide in favor of a holiday. Of course, this resolution must

be passed before Friday. We can not well provide by retroactive statute to have a holiday on a day that has already passed.

Mr. SIMS. Will the gentleman yield for a question?

Mr. McCALL. For a question.

Mr. SIMS. What is the object of loading down the resolution to make this a holiday with some initiative process to do something that has not been discussed in the House or in the Senate?

Mr. McCALL. It seemed to the House, I think, and certainly to the Committee on the Library, that the proposition contained in the President's message was a simple and independent proposition for a holiday on Friday.

Mr. SIMS. And nothing else.

Mr. McCALL. And that it was no more appropriate to put on a provision relating to a highway than to put on some of the other numerous proposals for memorials of Lincoln in the District of Columbia.

Mr. SIMS. If the gentleman intends to yield to the Senate amendment, or any other similar amendment, or to do anything more than to pass the resolution simply for a holiday, as recommended by the President, I shall object.

Mr. McCALL. We do not ask for a conference. This gives the Senate an opportunity to recede, and I am reliably informed that it will probably do that.

Mr. MANN. The gentleman is not going to ask for a conference?

Mr. McCALL. I am not.

Mr. MANN. That would naturally come later?

Mr. McCALL. Yes; but it would be useless, because it would defeat the main purpose of the resolution.

Mr. MANN. I want to say to the gentleman that this day is set apart for the consideration of a special bill, and the rights of that bill expire to-day. If it is going to take an hour, or two hours, to dispose of this proposition after you get your committee discharged, I think I shall have to object.

Mr. McCALL. There will be no discussion, because we are asking unanimous consent to accomplish two things.

Mr. MANN. But my colleague says that he moves to concur in the Senate amendment.

Mr. McCALL. But that is not in order, because I am requesting unanimous consent for the discharge of the committee and disagreeing to the Senate amendment, that the resolution may go immediately to the Senate.

Mr. MADDEN. The easiest way to accomplish the establishment of a holiday, it seems to me, would be for the gentleman to agree to concur in the Senate amendment and adopt the resolution as amended.

Mr. MANN. That could not be done to-day by unanimous consent.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to discharge the Committee on the Library from the further consideration of the resolution indicated, and to disagree to the Senate amendment. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I want to say this to the gentleman from Massachusetts: There are some of us in the House here who concur heartily in the proposition of the Senate. We think it is more important to build a road from here to Gettysburg as a memorial to Mr. Lincoln than we do to merely set apart one day as a holiday. We think the Senate amendment is the more important of the two things, and under these circumstances, and feeling that way, if the gentleman, by his unanimous consent, attempts to keep this out of conference, where there can be a full and free conference on both questions before the Senate and the House, I shall object. If he asks for a conference, I will be willing to accede.

The SPEAKER. Objection is heard.

Mr. McCALL. Mr. Speaker, the gentleman in his zeal for a highway can defeat the main purpose of the House proposition. Obviously, he can not arrange to have a highway built between now and Friday.

Mr. UNDERWOOD. Certainly not; but the gentleman can ask to nonconcur and for a conference.

Mr. CAMPBELL. Mr. Speaker, I demand the regular order.

The SPEAKER. Objection is heard.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, and to consider the same in the House at this time, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907, be, and the same is hereby, amended to read as follows:

"That the time for the compliance of the Valdez, Marshall Pass and Northern Railroad Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled 'An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes,' approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended—

"First. Said company shall have four years from the passage of this act within which to complete the first 20 miles of its railroad, by way of Keystone Canyon, Marshall Pass to Copper River, and from thence to Tanana River, and six years from the date of the passage of this act within which to complete said railroad to the Tanana River, all to be within such rights as it possesses and not in any way affecting or contravening any vested rights of any other company or person or the rights of the Government, provided said company carry out the requirements of law.

"Second. Said company shall be exempt from license tax during the period of construction and for four years thereafter: *Provided*, That the total period of exemption shall not exceed ten years from the time of the passage of this act: *And provided further*, That this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road the exemption from taxation herein provided shall cease and said tax shall be collectible as to so much of said road as shall have been completed.

"Third. Congress reserves the right to alter, amend, or repeal this act."

The SPEAKER. Is there objection?

Mr. REEDER. Mr. Speaker, I want to reserve the right to object so that I may know something of what is in the bill. It seems a very long bill, with a great many provisions, and it seems almost impossible that it would be right to pass it in this way.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. REYNOLDS. Yes.

Mr. REEDER. I want to learn how much time this extends the provisions of this bill.

Mr. REYNOLDS. Two years ago an act was passed extending the period for three years.

Mr. REEDER. Two years ago it was extended for three years?

Mr. REYNOLDS. Yes; and they have but one year under that act. By reason of the stringency of the times for the past year and a half it has been impossible for these people to raise the necessary amount of money to complete this road.

Mr. REEDER. How much of the road is now completed?

Mr. REYNOLDS. There are about 18 miles of way cleared for the road. About 8 miles, as near as I can tell, have been graded, and about 2 miles laid with ties. A wharf has been built. The parties have expended between three and four hundred thousand dollars of money in the construction of the road as far as they have gone and in the construction of the wharf.

Mr. REEDER. When was this law first passed; how long have they had since they commenced?

Mr. REYNOLDS. I could not tell exactly now. This bill is intended to give them just one year longer within that time provided by the bill which was passed two years ago.

Mr. REEDER. Does it change the conditions of the law in any way?

Mr. REYNOLDS. It does not. In express terms it reserves to others whatever rights they may have. I want to assure the gentleman that from the investigations we have made no other railroad has located in that region, and it has the unanimous report of the Committee on Territories, after a very full and careful examination.

Mr. REEDER. It does not change the provisions of law at all?

Mr. REYNOLDS. It does not, with the exception that it gives one year longer.

Mr. REEDER. I have no objection.

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object, I would ask the gentleman if this has been submitted to the Secretary of the Interior? He has reported very strongly against very many of these extensions.

Mr. REYNOLDS. Well, not in this case, I will say to the gentleman from Iowa.

Mr. HULL of Iowa. Has the Secretary of the Interior passed on it at all, recommended it, or is he opposed to it?

Mr. REYNOLDS. I do not know about this particular road. There has been no objection at any time before our committee within the last three or four years with respect to this road. I yield to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I simply desire to say in reply to the gentleman from Iowa that it has been the custom of the Committee on the Territories to refer railroad bills to

the Secretary of the Interior, with the request for information as to whether the proposed line conflicts in any way with any other proposed line, to ascertain how much money has been invested, and to find out as far as possible whether the company is acting in good faith. One of the crying needs of Alaska is transportation. Freight rates from the coast to inland points are practically prohibitive. They amount to six to eight dollars per ton per mile. It appeared in hearings before the committee that at a place called "Tanana Crossing," 250 miles from the Gulf of Alaska, sugar, flour, and salt were each of them 75 cents per pound, regardless of the commodity itself, depending entirely on the cost of transportation. It is therefore important that transportation shall be developed into Alaska.

Now, this railroad was projected from Valdez. Something like 18 miles have been cleared northward. It does not conflict with any other road. Six miles have been built, as I understand. They have invested between \$300,000 and \$400,000 in wharves, preliminary surveys, and definite locations. They are simply asking for an extension of time of one year. They say that owing to the financial stringency last year they have been hampered in getting the necessary funds to go on with this railroad, and it seemed to the committee entirely equitable to give them one year more in which to try to do something. That is about all there is to it.

Mr. FITZGERALD. This bill extends the time four years.

Mr. REYNOLDS. One year.

Mr. FITZGERALD. Four years from the passage of this act to build the first 20 miles, and six years to complete the balance of the road. Now, how many times has the time of this company been extended?

Mr. REYNOLDS. Once.

Mr. FITZGERALD. When did they start?

Mr. REYNOLDS. They start at Valdez Bay.

Mr. FITZGERALD. When were they first authorized to commence this road?

Mr. REYNOLDS. Two years ago. This bill simply extends the time one year longer than that provided for in the bill as it passed two years ago. The projectors of this road, as I understand, have made their necessary arrangements for its completion, and expect to send a surveying party out into that region this summer, and it would take the entire summer to have the survey and report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to move an amendment to the bill by striking out, in lines 10 and 11, on page 1, the words "chapter 295 of the laws of the United States" and insert in lieu thereof the words "the act." It is a formal amendment. It means nothing the way it is now.

Mr. REYNOLDS. Mr. Speaker, that amendment is all right. The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

IMMEDIATE TRANSPORTATION OF DUTIABLE MERCHANDISE.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Washington asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following bill and to consider the same in the House at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement.

Be it enacted, etc., That the privileges of the first section of the acts approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subports of Blaine and Sumas, in the State of Washington.

Sec. 2. That the deputy collectors of customs at the subports of Seattle and Tacoma, in the State of Washington, shall receive such compensation as the Secretary of the Treasury shall determine.

Sec. 3. That all acts and parts of acts in conflict herewith are hereby repealed.

The committee amendments were read, as follows:

Strike out all of section 2.

On page 2, line 3, strike out "3" and insert "2."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain this bill.

Mr. HUMPHREY of Washington. This is to extend the privilege of immediate transportation to Sumas and Blaine, which are ports on the northern border. That is all. The other section is stricken out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

COLORADO DESERT LANDS.

Mr. HAGGOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 19606.

The SPEAKER. The gentleman from Colorado moves to discharge the Committee of the Whole House from the further consideration of the bill named and that the same be considered at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19606) to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State.

Be it enacted, etc., That the provision of section 4 of "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and the amendments thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands within the limits of all of that portion of the former Ute Indian Reservation, in the State of Colorado, described and embraced in the act entitled "An act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians," approved July 28, 1882: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the act approved August 18, 1894, and amendments thereto, the State of Colorado shall pay into the Treasury of the United States the sum of \$1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the act of June 15, 1880, entitled "An act to accept the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and to make the necessary appropriation for carrying out same."

SEC. 2. That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements or which have been reserved for any Indian schools or farm purposes.

The committee amendments were read, as follows:

In line 12, page 1, after the word "Reservation," insert the words "not included in any national forest;" in line 11, page 2, after the word "accept," insert the words "and ratify;" and in line 14, page 2, after the word "State," insert "and for other purposes."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SMALL HOLDINGS CLAIM.

Mr. BOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15442.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898.

Be it enacted, etc., That section 18 of an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, be, and the same is hereby, further amended by striking out the words "before the 4th day of March, 1901," and inserting in lieu thereof the words "before the 4th day of March, 1909," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor-general of the proper State or Territory before the 4th day of March, 1909, and no claim not so filed shall be valid."

The committee amendments were read, as follows:

Amend by striking out the word "nine" in lines 3 and 8 on page 2 and substituting therefor the word "ten."

Further amend by adding thereto, after line 9, page 2, the following: "*Provided*, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public-land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March 3, 1901."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Boyd, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR HENDERSON, KY.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from further consideration of the bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky., and that the same be considered in the House as in the Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27069) to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Henderson, Ky., two condemned brass or bronze cannon or fieldpieces with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in Central Park, in Henderson, Ky., and for which said city is trustee: *Provided*, That the articles of ordnance property furnished under the provisions of this act shall not be required to be accounted for by the Chief of Ordnance, and no expense shall be incurred by the United States in the delivery of the same.

Also the following committee amendment:

After the word "Kentucky," in line 4, add the following: "to be placed in the public park of said city."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. STANLEY, a motion to reconsider the vote by which the bill was passed was laid upon the table.

BUILDING ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 691, subchapter 7, of the Code of Law for the District of Columbia, relating to building associations, be amended so that the same shall read:

"SEC. 691. Objects.—The object of such corporation shall be the accumulation of a capital in money to be derived from the savings and accumulations by the members thereof, to be paid into said corporation in such sums and at such times as may be designated by the by-laws of said corporation, from which the members thereof may obtain advances upon their shares of stock: *Provided*, That the Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any building association incorporated under the provisions of this chapter, as well as any other building or loan association located or doing business in the District of Columbia. The expenses necessarily incurred in making any such examination shall be paid by such association to the Comptroller of the Currency at the time of the making of such examination: *And provided further*, That every building or loan association located and doing business in the District of Columbia shall make to the Comptroller of the Currency at least one report during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or secretary of such association and attested by the signature of at least three of the directors. The said comptroller shall also have power to take possession of any company or association whenever in his judgment it is insolvent or is knowingly violating the laws under which such company is incorporated, and to liquidate the same in the manner provided in the laws of the United States in respect to national banks: *Provided further*, That from and after the 1st day of July, A. D. 1909, no person, company, association, copartnership, or corporation, except corporations organized under and availing themselves of the privileges of this act, and except building associations heretofore organized and in actual operation before the passage of this act, shall conduct or carry on in the District of Columbia the kind of business named in this act, without strict compliance in all particulars with the provisions of this act. Any person, officer, or agent of any company, firm, or corporation who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine or not more than \$1,000 or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. That any willful false swearing in regard to any certificate, or report, or public notice required by the provisions of this act shall be perjury, and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company, formed under or availing itself of the privileges of this act, or of any building or loan association located or doing business in the District of Columbia, or any money, funds, or property intrusted to any such corporation, company, or association, shall be held to be larceny and shall be punished as such under the laws of said District."

Also, the following committee amendment was read:

Add on page 4, after line 2, the following, to stand as section 2 of the act, viz:

"SEC. 2. That there be added to the Code of Law of the District of Columbia a new section, to stand as section 691a, and to read as follows:

"SEC. 691a. That any association or corporation organized and existing under the laws of any State or Territory to do, or now doing, in the District of Columbia, a deposit, investment, loan, or mortgage business, or otherwise having any of the features of a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency thereover, and any such association or corporation shall at all times keep on deposit with the Comptroller of the Currency in money, or stocks, bonds, and mortgages, or other securities, to be approved by said officer, not less than 25 per cent of its capital and surplus as security for its depositors and creditors and as a guaranty for the faithful performance of its contracts, and may also make such further deposits of its assets, as above described, with the comptroller for such purpose as it may from time to time desire so to do."

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Is this a bill that belongs on the District Calendar?

The SPEAKER. This is a bill on the calendar and could be considered on Monday.

Mr. UNDERWOOD. It could be considered on District day?

The SPEAKER. Yes.

Mr. UNDERWOOD. There is a special day set apart for the consideration of these bills, Mr. Speaker.

Mr. KAHN. I hope the gentleman will not object. Yesterday the time of the committee was taken up by some of the gentlemen speaking on general subjects. This bill proposes to put the building and loan associations of the District under the jurisdiction of the Comptroller of the Currency. At the present time, although they have assets of \$14,000,000, they are not responsible to a single officer of the Government.

Mr. UNDERWOOD. I will say to the gentleman that I am not objecting to his personal bill.

Mr. KAHN. It is not my personal bill.

Mr. UNDERWOOD. Or to the personal idea involved in his bill. But there is a rule that applies to this side of the House, and it is fair to apply it to that side of the House, namely, that when there are bills coming up that have a special day the individual Member must wait for that day in order to get unanimous consent for his bill. What applies to this side of the House is fair to the other side of the House. So I object.

PANAMA CANAL ZONE.

The SPEAKER. There is a special order for to-day for the consideration of the Panama Canal bill.

Mr. MANN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27250) to provide for the government of the Canal Zone, for the construction of the Panama Canal, and for other purposes—the special order for to-day.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 27250, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, including all islands within said described limits and in addition thereto the group of islands in the bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and waters outside of said limits above described which may be or from time to time may become necessary and convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary and convenient for the construction, maintenance, operation, sanitation, or protection of said enterprise, the use, occupation, and control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, and all other territory over which the United States now has or may have hereafter obtained governmental control, situate within the territorial limits of the Republic of Panama, shall be known and designated as the Canal Zone, and the canal to be constructed thereon shall be hereafter known and designated as the Panama Canal.

Sec. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint, and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority, are ratified and confirmed, without prejudice to the power to revoke or amend the same.

Sec. 3. That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal; and he is hereby authorized, in his discretion, to appoint, by and with the advice and consent of the Senate, one director and one chief engineer of the Panama Canal, and one governor of the Canal Zone, and from time to time to fix their compensation, duties, powers, and relative jurisdiction until such time as Congress may by law otherwise provide, and the same person may be appointed to any two of such offices; and the President may remove any of said officials at his pleasure. And the President is further authorized for the purposes described in this act to detail, appoint, and employ, or provide for the appointment or employment of such persons with such duties, powers, jurisdiction, and official designations as may from time to time be deemed necessary, and to dismiss or provide for the dismissal of the same; and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same. Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided

by or which shall be fixed under the terms of this act. Authority is hereby given for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

Sec. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such persons as may be detailed, appointed, or designated by the President in accordance with the provisions of this act.

Sec. 5. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate; but in the event of the absence or incapacity of the judge so appointed, a judge pro tempore may be appointed by the governor of the Canal Zone. The records of existing circuit courts and all causes and proceedings pending therein shall be transferred to the jurisdiction of the circuit court hereby created as of the date when the judge appointed hereunder qualifies.

Sec. 6. That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

Sec. 7. That jurisdiction is conferred upon the circuit court of appeals for the fifth circuit to review by appeal or writ of error or otherwise any final decision of the circuit court of the Canal Zone, which jurisdiction shall be exercised under rules to be prescribed by said circuit court of appeals, and unless otherwise provided shall be exercised as nearly as may be in conformity with the procedure on appeals or writs of error in said circuit court of appeals. The associate justice of the Supreme Court assigned to the said circuit may likewise designate one or more judges thereof, who may hold a term of said circuit court of appeals at Ancon, Canal Zone, at a time between May 1 and August 1 of each year, notice of which shall be published within the Canal Zone thirty days in advance, for the purpose of hearing and determining appeals that would otherwise be heard by the circuit court of appeals at New Orleans.

Sec. 8. That in any case proceeding from a Canal Zone court involving a question arising under the Constitution or treaties of the United States or involving a sentence of death or imprisonment for life, an appeal may be granted by the circuit court of appeals from its final judgment to the Supreme Court of the United States. The Supreme Court may also require by certiorari or otherwise any case proceeding from a Canal Zone court to be certified from the circuit court of appeals to the Supreme Court for its review and determination.

Sec. 9. That all expenses incurred by the judges of the said circuit court of appeals in holding sessions on the Isthmus shall be a proper charge against the appropriations for the construction of the Isthmian Canal; and there may be paid to any judge assigned to hear appeals on the Isthmus, in addition to his ordinary salary, his necessary traveling expenses to and from the United States and a per diem of \$10 from the time he may leave the United States in the discharge of his duties until his return.

Sec. 10. That the President, through such officer as he may designate, is hereby authorized to grant leases of the public lands in the Canal Zone, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable, reserving in all cases mineral, oil, and gas rights. No agricultural lease, however, shall be granted for a tract of land in excess of 50 hectares, nor to any person who shall not have first established by affidavit, and by such other proof as may be required, that such person is the head of a family, or over the age of 21 years, that the application for a lease is made in good faith for the purpose of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law and executive regulation as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

Sec. 11. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear by a statement or plat filed under authority of the President with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and every lease shall be made subject to the provision that if at any time it shall become necessary for the United States to occupy or use any portion of the leased lands it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee and a proportionate reduction of rent, the same to be determined by the courts of the Canal Zone if not mutually agreed upon.

Sec. 12. That all laws and treaties relating to the extradition of persons accused of crime, in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only, the Canal Zone shall be considered and treated in all respects as an organized territory of the United States.

Mr. KEIFER. Mr. Chairman, I would like to know what the arrangement is as to the discussion of this bill?

Mr. MANN. I would say to the gentleman that the order under which the bill is up for consideration provides for two hours' general debate.

Mr. KEIFER. How is it to be divided?

Mr. MANN. I have taken the floor for one hour, and I suppose that the gentleman who is the senior Democrat on the committee will probably take the floor for an hour. Does the gentleman desire some time?

Mr. KEIFER. As I understand it, I desire it against the bill.

Mr. RICHARDSON. The other hour is given to gentlemen on this side and on the other side to oppose the bill.

Mr. MANN. I will be very glad to yield such time as I can to the gentleman from Ohio [Mr. KEIFER].

Mr. Chairman, the purpose of this bill is primarily to provide a legal government on the Canal Zone and to legalize in effect the existing government on the Canal Zone. When we acquired our rights on the zone by treaty with Panama we enacted,

in the Fifty-eighth Congress, in 1904, a bill authorizing the President to carry on the government until the expiration of the Fifty-eighth Congress, which expired on March 4, 1905. Congress made no provision for government of the zone after that time, but under that act of Congress a government was organized on the zone, and when Congress made no other provision for the act, the President proceeded to govern the zone as though that act had continued in force.

Whether gentlemen criticize him for it or not, there was nothing else for him to do. He did the only thing that anyone having responsibility could do. Now, this act proposes, first, by description and designation, to set out what shall be the limits of the zone, and designates a new name for the canal, now known as the "Isthmian Canal;" by this act it will be known by its proper name, the Panama Canal, merely conforming to popular usage.

It then, in the second section, legalizes the acts that have been already performed in the Canal Zone, and, following the act of 1904, which itself was a copy of the act, practically, of 1803, for the temporary government of the Territory of Louisiana under the Presidency of Mr. Jefferson, it provides that the government of the zone shall be carried on by the President and by persons named by him. There will probably be some academic discussion of the bill in regard to that. Our committee has conceived that the purpose at present of our Government on the Canal Zone is the building of the canal. We have a large number of employees there. No one knows yet what will be the permanent form of government on the zone; but it is quite evident, in our opinion, that to adopt a delegated form of government, which would turn the government of the zone over by the votes of our employees there, would be very deleterious to our continuation of the work properly.

The third section of the act practically abolishes what has been practically abolished, except in the payment of salaries, of the Isthmian Canal Commission, and provides that the President shall construct the canal, either by the aid of one of the departments or otherwise, as he pleases, and authorizes him to employ a director, engineer in chief, for the construction of the work, and a governor of the Canal Zone government.

One of the most important provisions of this bill is that in regard to the judiciary to be adopted on the zone. There is now a supreme court on the zone created by the President without any great deal of work to do, but necessarily there should be a court there. There is no appeal from that court to any court of the United States. This bill proposes that instead of providing for three judges of the supreme court we provide for one circuit judge, with an appeal to the court of appeals at New Orleans, and with an appeal from that court in certain cases to the Supreme Court of the United States. So that while there is now no method for our courts to review the proceedings of the courts on the Canal Zone, under this bill there is a method by which a man can bring his case to the courts in the United States and in a proper case to the Supreme Court.

In connection with the judicial proceedings we have provided in the bill that in all trials for felony the accused shall be entitled to a trial by jury.

Another provision of the bill authorizes the leasing of land for a term of years not to exceed twenty-five years. The land laws of the United States are not in operation on the Canal Zone. We do not sell or make any provision for the sale of any of the land there.

Mr. HARRISON. Not under the bill passed last year?

Mr. MANN. The bill did not become law.

At present the leasing can be made only for five years under our law. Now, it seemed to the committee that much of this land being so that it takes several years to clear it even for any purpose, that it is desirable to give to a tenant a longer term of lease than five years, where we do not sell the land at all, and the land which anyone can take is only a small area, and he must be a resident in good faith.

Another provision of the bill is in regard to extradition. There is now no legal method of getting a criminal from either side of the line to the other side of the line, and while it is true that sometimes they rush a man across from Panama to the Canal Zone, and vice versa, there is no method by which a criminal who may have committed murder on the Canal Zone going to the United States can be taken back to the Canal Zone for trial. In other words, if he commits murder on the Canal Zone and gets away he is as free as the air. There is no chance to get him back under the existing law, and this bill makes applicable to the Canal Zone the laws of the United States in the same manner as they apply to the Territories of the United States.

Now I will yield to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. What I desired to ask the gentleman was, What would be the difference in cost by the method adopted with reference to the higher officers of the zone of the abolition of the commissioners—what amount will be saved to the Government?

Mr. MANN. Oh, I apprehend, Mr. Chairman, there will be no substantial difference. Theoretically, there will be a considerable saving to the Government. We have now seven commissioners at high salaries; this would provide for three officials at high salaries.

On the other hand, the seven commissioners are now performing other duties on the Canal Zone, and probably will all remain in the employment of the Government, and I apprehend there is no substantial difference, so far as pay is concerned.

Mr. STEPHENS of Texas. Have not the services of these seven commissioners all been required, and will they not be required, notwithstanding the law we enact now?

Mr. MANN. The services of the commissioners are not required at all as commissioners, nor do they perform to-day any substantial services as commissioners. When the first act was passed there was a commission appointed which sat in Washington. Whether they performed services or not it is not necessary to discuss. They performed some services, and they drew high pay. It became a method of construction utterly abhorrent to any ideas of proper business methods, and the President, in obeying the letter of the law, was compelled to violate the spirit of the law, and instead of having a commission as had been contemplated by Congress in its act, a commission sitting in Washington and discussing and determining these great engineering questions, he abolished that commission and constituted the only kind of a commission that could be any good—a commission of men on the ground, who were practically under the control of the chief commissioner or president of the commission.

Mr. STEPHENS of Texas. Will the gentleman advise us who it is that has raised objection to the present commissioners and the method we are now pursuing in carrying on the work there?

Mr. MANN. Oh, Mr. Chairman, the House never has been in favor of the commission. I think, if the gentleman will refresh his recollection, he will remember that the commission went into the bill over the protest of the House, in conference, and was agreed to only because that was the only way of getting a canal, and that afterwards the House passed a bill abolishing the commission and refused to recede from that position. That was one reason why the President was compelled to carry on the government down there. That was the reason the government bill failed in 1905.

Mr. STEPHENS of Texas. I see you provide here that the lands on the zone shall be open to mineral entry, and so forth, saying nothing at all about the timber. Is there any timber there to dispose of?

Mr. MANN. There is no timber of any value on the zone, I will say to the gentleman.

Mr. HARDWICK. I understood the gentleman just now to say that we had a supreme court there, since the expiration of the Fifty-eighth Congress. It has been existing entirely, then, by executive order, has it?

Mr. MANN. Entirely by executive order.

Mr. HARDWICK. If the executive order could provide for a legal court in that Canal Zone, why could it not provide for an appeal from it?

Mr. MANN. If the gentleman will think for a moment, the executive order could provide that the court there might grant an appeal, but the executive order could not confer jurisdiction upon any court in the United States to hear the appeal.

Mr. HARDWICK. In other words, when the question came before a court of the United States that was bound to administer the law, the illegality of the whole action of the President in this matter was bound to be declared by the court, was it not?

Mr. MANN. That is the gentleman's own opinion. Whether the President's actions were legal or not from an academic point of view, I do not undertake to say; but there was only one thing in the world the President could do, and that was to do what he did do; and even if my distinguished friend from Georgia had been President—and I hope he may be some day—he would have done the same thing and asked Congress to ratify the proceeding.

Mr. WEBB. Do we in Congress make special laws to govern the Canal Zone?

Mr. MANN. We do not. We never have.

Mr. WEBB. Are all the citizens of the Canal Zone subject to the Revised Statutes, the laws of the United States?

Mr. MANN. They are not.

Mr. WEBB. I am leading up to this question: Then what do you mean in section 6 when you provide that all persons charged with felonies shall have a trial by jury?

Mr. MANN. Exactly what we say.

Mr. WEBB. What is a felony under the statutes of the United States or on the Canal Zone?

Mr. MANN. Felony, under the Canal Zone laws, is a crime punishable by one year in the penitentiary or more.

Mr. WEBB. Or death.

Mr. MANN. I would consider that a little more than one year in the penitentiary myself. [Laughter.]

Mr. WEBB. Can you tell me where we can find the law fixing the definition of felony? We have not any in the United States statutes.

Mr. MANN. No; that is true.

Mr. WEBB. I want to know where it is defined for Panama.

Mr. MANN. I will be frank with the gentleman. Doubtless if this act passes they can change the definition of the term felony, and doubtless it will not be substantially changed.

Mr. WEBB. Is it not possible for the President to do away with trial by jury entirely in the Canal Zone by defining any particular offense and saying that it shall not be a felony?

Mr. MANN. I am not sure but it might be possible to do that. If the gentleman will permit me to go further, I will say that when we went down there there was no trial by jury for any offense. There is no trial by jury for any offense except one punishable by death or life imprisonment, and that is given by executive order. The Spanish laws in force there at the time did not provide for trial by jury at all. Now, it is possible that the legislative authority which may act down there could abolish by definition of felony trial by jury, but I can assure the gentleman that if the Executive should undertake that sort of work with Congress we had better abolish the Executive.

Mr. HARDWICK. He might abolish us.

Mr. WEBB. Does not the gentleman think there are many misdemeanors that are as serious as those defined as felonies now and which are not tried by jury? I do not think any man's liberties should be taken from him without jury trial.

Mr. MANN. If the gentleman wants my private opinion, I am willing to give it. While the bill provides for the right of trial of all persons accused of felony by a jury, my personal opinion is that it is altogether too broad, and we ought not to do it. That is not all; I will say further that the great majority of the people on the Isthmus accused of crime do not want a trial by jury. They are used to being tried by the courts and still prefer to be tried by the courts. I do not agree with the gentleman that assault and battery cases should be tried by jury down there.

Mr. DOUGLAS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Ohio.

Mr. DOUGLAS. I notice in the first paragraph of section 10, the officer appointed by the President is given almost unlimited discretion in making leases of land up to twenty-five years.

Mr. MANN. What does the gentleman mean by "any amount?"

Mr. DOUGLAS. Any amount of land.

Mr. MANN. I am afraid the gentleman has not read the bill.

Mr. DOUGLAS. Oh, yes; I have read the bill thoroughly.

Mr. MANN. I mean that part of the bill in which there is a limitation.

Mr. DOUGLAS. I am talking not about "agricultural leases," so called, but other leases. I have read the bill very carefully.

Mr. MANN. Any lease that is not a town lot is an agricultural lease.

Mr. DOUGLAS. Might it not be for timber land? There is nothing in this paragraph that prevents granting a lease for twenty-five years to any company that wants to exploit timber lands.

Mr. MANN. It would be an agricultural lease; there is nothing else there. It is all agricultural land.

Mr. DOUGLAS. No timber?

Mr. MANN. No; no timber of any value; nothing except a little land and some water. Now I will yield to the gentleman from New York.

Mr. BENNET of New York. How many different kinds of courts are there down there?

Mr. MANN. The supreme court, the circuit court, and the police court. The supreme court consists of three members, each of whom holds the circuit court.

Mr. BENNET of New York. I ask the question because this bill provides only for the transfer of the records of one court, and does not provide for the balance of the cases in the other courts. What becomes of the cases in the other two courts?

Mr. MANN. It does not affect the other courts at all.

Mr. BENNET of New York. It seems to me that under section 5 all these other courts will be superseded.

Mr. MANN. The courts down there are the circuit courts, and they are the only courts of record.

Mr. BENNET of New York. What is the supreme court?

Mr. MANN. It is the court of appeals.

Mr. BENNET of New York. What is the circuit court?

Mr. MANN. The judges of the circuit court sit in banc as a supreme court.

Mr. BENNET of New York. Is the police court a part of the circuit court also?

Mr. MANN. Not at all; and not a court of record.

Mr. BENNET of New York. I understand that.

Mr. MANN. They are police magistrates.

Mr. BENNET of New York. What are the justices of the peace such as we have here called?

Mr. HUBBARD of West Virginia. That is the district court; there are five of them.

Mr. BENNET of New York. Does not the gentleman think the rights of the minor tribunals ought to be protected?

Mr. MANN. Those courts will be continued.

Mr. BENNET of New York. There is nothing in this bill to continue them.

Mr. MANN. Certainly; there is nothing in the bill to continue them and nothing to abolish them. That is for the President to determine; he has created them.

Mr. BENNET of New York. True; but if there are new courts and no express provision to continue these—

Mr. MANN. They are not new courts; we do not interfere with the district courts.

Mr. BENNET of New York. But you provide for new ones.

Mr. MANN. We authorize the President to do that which he has done; give our congressional consent and sanction to it.

Mr. BENNET of New York. To ratify his acts in the past and authorize him to do acts under the statute in the future.

Mr. MANN. Yes.

Mr. BENNET of New York. And therefore the same situation will arise that arose in the Dakotas and Idaho and all those Western States, when they changed the United States courts out there and simply transferred the records and found they conferred no necessary powers on the new court.

Mr. MANN. The gentleman is entirely mistaken. The district courts down there will not be changed in the slightest degree. Under this act we make no change in the district courts at all. The district courts will continue unless the President abolishes them. We do not change the laws that are there now in force.

Mr. BENNET of New York. So far as the act is concerned you do.

Mr. MANN. Why, we ratify the act which constitutes the district courts. We ratify the law which constitutes the district courts.

Mr. BENNET of New York. But do not continue the courts.

Mr. MANN. We do continue the courts. We do not abolish them.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. NORRIS. These district courts were created under the original canal act.

Mr. MANN. Not at all.

Mr. NORRIS. How were they created—by executive order?

Mr. MANN. Created by the President.

Mr. NORRIS. This bill, then, continues the executive orders; still gives him the power to continue those courts?

Mr. MANN. Let me say to the gentleman, under the authority which was conferred upon the President in the Fifty-eighth Congress, which expired with that Congress so far as the act of Congress is concerned, and which he has continued to exercise since, he has provided a whole code of laws and government on the zone. We ratify all the acts already done in regard to that by this act, and then confer upon the President the power to continue in the same way a government down there; but we do not wipe out the laws which he had established, one of which constitutes the district courts.

Mr. NORRIS. What particular part of this bill gives or continues the authority of the President to continue those courts?

Mr. MANN. Section 2.

Mr. CHANEY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CHANEY. I would ask the gentleman if the government down there has fee-simple title to all the lands aside from that owned by individuals?

Mr. MANN. No; the government owns the land which is turned over with the Panama Canal purchase from the New Panama Canal Company. The Panama Railroad Company is

owned by the government. The Panama Railroad Company owns a considerable amount of land. In addition to that there are the individual holdings of land. So that, practically, the government owns all of the land except what the individuals own, but we do a large part of it through the Panama Railroad Company.

Mr. NORRIS. Then the leases to which the bill refers are to those particular lands.

Mr. MANN. Only to the lands that are owned by the Canal Commission, now a part of the canal works.

Mr. CHANEY. Would it not, in the opinion of the gentleman, be necessary for the future civilization of the zone that some of this land be authorized to be disposed of by fee simple?

Mr. MANN. I will say to the gentleman that the Government, I think, is not yet prepared to say what land may or may not be necessary in connection with the construction, operation, fortification, and maintenance of the canal, and hence it is not desirable to give away any land which, perchance, we might have to purchase back.

Mr. CHANEY. I make this inquiry only because of the fact that when we were down there at the canal they expressed their desire that people should come there and settle there and remain there and live, in order that they might have an agricultural country.

Mr. MANN. I may say to the gentleman that the provisions in the bill on that point entirely meet the views of the officials down there, who have been most anxious to have some of this land cultivated.

Mr. TAWNEY. Mr. Chairman, I have not read the bill carefully, but I would like to ask the gentleman from Illinois a question. The Panama Railroad Company owns practically all the lots in the city of Colon and owns some property in the city of Panama. Is there anything in the bill that would prevent a conflict of jurisdiction between the authorities of the government organized under this bill, as a government and the jurisdiction of the courts of Panama with respect to the commission of offenses in Colon or on property in the city of Panama belonging to the United States?

Mr. MANN. I do not quite catch the gentleman's drift. I should say not, if I do.

Mr. TAWNEY. The point is this: The Panama Railroad Company owns all of the lots in the city of Colon.

Mr. MANN. I may say to the gentleman that under this bill we retain every possible power that we can have under the treaty with Panama.

We are asserting all the power that we claim under the bill. There is some dispute in reference to how far that power goes, but we do not yield it in this bill.

Mr. TAWNEY. Under the first section of the bill, our government in the Canal Zone as it will then be organized will have supreme jurisdiction over all the territory described in that section, which includes—

Mr. MANN. The Canal Zone, you mean?

Mr. TAWNEY. All that is there now or may hereafter be acquired.

Mr. MANN. You said the Government of Panama had control of it; I thought you said the Government of the United States.

Mr. TAWNEY. Now, it is a fact the Government of the United States does own property in the city of Panama, and the Panama Railroad Company, which the Government owns, owns practically all the lots in the city of Colon, and it is a question whether your language would not give the United States jurisdiction over this property in the two cities and whether, in the administration of justice, there may not arise a conflict of jurisdiction between the Governments of Panama and the United States.

Mr. MANN. I give the gentleman credit for what he said in the beginning—that he has not carefully read the bill—

Mr. TAWNEY. I ask the gentleman if there is anything to prevent such a conflict of jurisdiction?

Mr. MANN. There is absolutely nothing in here that makes a conflict of jurisdiction. We have no sovereignty over the lands owned by the Panama Railroad Company within the cities of Colon and Panama, and we assert no sovereignty over it in this bill or otherwise.

Mr. FITZGERALD. Under section 3 of the bill, is any additional authority given to the President to complete the construction of the canal?

Mr. MANN. No additional authority is given the President.

Mr. FITZGERALD. In the same section, page 4, the bill provides:

Authority is hereby given for the procurement, use, and maintenance of each and every thing necessary for the complete construction, etc.

Under this authority, is it necessary to have specific appropriations made for the acquisition of the various materials required?

Mr. MANN. That is existing law.

Mr. FITZGERALD. Let me illustrate what is in my mind. Under this provision of the bill the President or those designated by him have authority, for instance, to contract for the purchase of steamboats for use in transportation of materials without specific authority.

Mr. MANN. I do not think he would without an appropriation. Now, if the gentleman will permit, the purpose of putting that provision in the bill is in order to permit the Committee on Appropriations to have the authority of law for the appropriations they may bring in.

Mr. FITZGERALD. The intention is, however, to continue the practice as far as possible, of specifying the different services, material, and so forth, to be acquired.

Mr. MANN. I put that amendment in the appropriations act, if the gentleman will remember, struck it out of a bill which I had in the House, requiring estimates to be made in detail, which means appropriations in detail.

Mr. FITZGERALD. I had in mind the question as to whether this will in any way affect that provision.

Mr. MANN. I should say, without question, it would not affect that at all. They would still be required to make estimates in detail, and expenditures in accordance with the appropriations in detail.

Mr. FITZGERALD. One other question. This bill authorizes the President to designate one person to hold one or more offices. Does not the gentleman think that the person so designated should be limited to one salary; that instead of having an official receiving so much compensation for the discharge of duties of one office and then some other compensation for some other office, that persons employed on the canal should be paid a specified sum for their services in whatever office they might hold?

Mr. MANN. I do not think so, for this reason: The purpose of this provision in the bill is to permit the President, if he desires—take the case of Colonel Goethals—to name him both as director or engineer or any other designation he may have for a position. Now, under the bill the President fixes the salary of these officials, but Congress acts by appropriation bill or otherwise, and it is six of one and a half dozen of the other whether he fixes the salary for two offices or one salary for one office; the committee still have control and Congress fixes the salary anyhow.

Now, I say to the gentleman, while there might be one person drawing two salaries, he may hold two offices down there and only draw one salary. We thought it would be an insult to put such provision in the bill.

Mr. FITZGERALD. I think not. We have seen it frequently in our experience here where a salary is fixed by law for the performance of duty in certain offices.

Mr. MANN. If we fixed the salaries by law, we would have put it in, but we do not do it unless we fix that hereafter, and if we do that that will control the situation, and the gentleman's committee will doubtless control it when they make the appropriation.

Mr. FITZGERALD. It would affect the case in this way: A man is appointed to an office and his compensation is fixed by that office. Then he is given some additional duties under some additional title, and he would not be given those duties if he did not have ample time in which to perform them; then that is immediately used as a basis for giving some additional compensation on the theory that the additional duties necessitate additional services requiring additional compensation. My judgment is this, that the services of the man should be fixed and he should be paid a certain amount as a salary in one lump, and not attempt to conceal what he is getting by separating it among different sums.

Mr. MANN. It would not be concealed. Nothing is concealed that goes to the gentleman's committee. It has to pass the inspection of the gentleman, who watches everything like a hawk watches a dove. So if one person acted as both director and engineer, he would not receive a larger salary for the two offices than if you had two persons holding those two places.

Mr. FITZGERALD. But if he were able to perform the duties that are specified as belonging to two separate offices, when in effect that would be one office, I think he should receive one salary, whatever the amount would be, and not receive two so-called "salaries" for the purpose of unnecessarily increasing his compensation.

Mr. MANN. I assume all that he will receive will be one salary, but it will be larger if he holds two offices with this responsibility than it would be if two men held the two offices.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has used thirty-five minutes.

Mr. MANN. Then, I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Is there a circuit court in the Canal Zone?

Mr. MANN. Circuit judges; yes.

Mr. MARTIN. I will call the gentleman's attention again to the question suggested by the gentleman from New York [Mr. BENNET]. It is true that while in section 2 there is a general ratification of all acts of the President, section 5 specifically disposes of all judicial jurisdiction in the zone from now on, and it passes jurisdiction to a circuit court and to such inferior courts as may be constituted by the President.

That apparently looks to the future, and would, I think, be an abandonment of the inferior courts heretofore provided for.

Mr. MANN. I do not agree with the gentleman about that at all. I think he is mistaken about that. If that were true, then we would have to adopt a very different bill concerning everything down there.

Mr. MARTIN. Consistent with that view, later, in paragraph 5, I call attention—

Mr. MANN. The whole bill is based upon the theory that the existing law remains down there when we confirm it, before it is changed by somebody; but the gentleman assumes that by confirming a law, we abrogate it. I do not agree with that.

Mr. MARTIN. Will the gentleman allow me just a moment? The gentleman from Illinois will notice that in the latter clause of paragraph 5 a particular provision is made for the transfer of all records and cases to the circuit court. There is no provision for the transfer of cases to such inferior courts, as the President, under the first part of section 5—

Mr. MANN. The inferior courts are not disturbed, I may say to the gentleman, nor are the courts of record there.

Mr. MARTIN. Are the circuit courts disturbed?

Mr. MANN. The circuit courts are abolished by the act. We specifically abolish the circuit court by creating a circuit court in place of it.

Mr. MARTIN. Do you not consider that you abolish the inferior courts now existing by providing that the "judicial power shall be vested in one circuit court and such inferior courts as the President may constitute," apparently looking to the future?

Mr. MANN. We have confirmed the act giving to the President the power to constitute these district courts, and they continue.

Mr. MARTIN. Do you not also confirm the acts of the President constituting the inferior court?

Mr. MANN. That is what we do.

Mr. HUBBARD of West Virginia. Let me state to the gentleman, the first line of the second section shows what is done with respect to these district courts and is covered by the language there and is expressly made "subject to the provisions of this act," and the provisions of this act make regulations respecting the new circuit court.

Mr. MARTIN. To which section do you refer?

Mr. HUBBARD of West Virginia. To the first line of section 2.

Mr. MANN. I do not think the gentleman needs to disturb himself about this. This portion of the bill was worked out not only by the committee, but by the very eminent counsel of the commission. I now yield to the gentleman from Kentucky.

Mr. HELM. I understood the gentleman to state that the purpose of this bill was to abolish the commission on the zone.

Mr. MANN. That is one of the purposes.

Mr. HELM. Now, I observe that all laws enacted on the zone, if they may be so called, or orders issued on the zone are enacted or issued by the President of the United States on the authority of the Canal Commission. Now, if you abolish that commission, with whom or where is authority to legislate lodged or vested, and where shall this authority rest in regard to the Canal Zone?

Mr. MANN. It rests with such persons as the President may designate.

Mr. HELM. For legislation?

Mr. MANN. The President will select some one to legislate and enact and control the Canal Zone.

Mr. HELM. I presume that will be the only legislative authority on the zone.

Mr. MANN. There will be enacted certain legislation, whether it will be done by executive order; yet I do not know what the process will be. That has been the process up to this time.

Mr. HELM. As I understand you, the Isthmian Canal Commission is to be abolished?

Mr. MANN. Yes.

Mr. HELM. Then where would these recommendations for the origin of legislative recommendation to the President arise?

Mr. MANN. Oh, I may say that we do not propose to abolish having somebody in control. There will be people in control of the work and people in control of the government, just the same as they are now. "Isthmian" is a mere figment, so far as that is concerned.

Mr. HELM. Then it will be simply an appendix to the United States?

Mr. MANN. That may be the gentleman's opinion. If he asks me, it ought to be cut out if it is. [Laughter.]

Mr. HELM. I understood the gentleman to say a moment ago that the title to the property on the Canal Zone is vested in the United States. Is it not true that under the treaty with Panama this Government only has the right to construct, operate, and maintain the canal, and the right to maintain a civil form of government, and to enforce such sanitary measures as the Isthmian Canal Commission may see proper?

Mr. MANN. I do not think it is.

Mr. HELM. Is it not a fact that we do not own the fee in the Canal Zone? Is that not true?

Mr. MANN. That is not true; the gentleman is mistaken about that. We own the fee to the zone.

Mr. SIMS. Is it not only a difference in name, and is not the legislation there done by the Canal Commission simply an executive decree?

Mr. MANN. Oh, if the gentleman prefers—if it suits his conscience better to call it an executive decree; but, if he wants my opinion, I will say to him that I think it is legislation.

Mr. SIMS. You call it legislation. Do you regard it as legislation?

Mr. MANN. I regard it as legislation.

Mr. STERLING. This bill abolishes the supreme court now in existence in the zone.

Mr. MANN. It is supposed to.

Mr. STERLING. And it abolishes two of the circuit courts?

Mr. MANN. I am sorry it abolishes one or two constituents of my colleague.

Mr. STERLING. It abolishes two out of three, does it not?

Mr. MANN. I am free to say it abolishes the three.

Mr. STERLING. Two out of three of the circuit courts?

Mr. MANN. It abolishes three.

Mr. STERLING. And establishes one?

Mr. MANN. It establishes one by this act of Congress.

Mr. STERLING. There are now three established by act of the President?

Mr. MANN. And under the act of Congress one.

Mr. STERLING. And it has original jurisdiction in all criminal cases except misdemeanors, I suppose?

Mr. MANN. Well, I suppose so; I can not say what Congress will do about it. He has jurisdiction down there.

Mr. STERLING. Does he have appellate jurisdiction in misdemeanors?

Mr. MANN. I can not answer the gentleman.

Mr. HUBBARD of West Virginia. He has some.

Mr. MANN. It would not make any difference what he has now. They could change it at any time if this bill becomes a law.

Mr. STERLING. What jurisdiction has this court now in civil cases?

Mr. MANN. I can not answer the gentleman; and if I could, I would not take the time to give all the jurisdiction. The court there has jurisdiction just like the court in the gentleman's own State and in my own State. If this bill becomes a law, the legislative authority can change the jurisdiction, just as they can in our State.

Mr. STERLING. Under this bill the litigants have no appeal on the zone. They must go to the circuit court of appeals of the United States.

Mr. MANN. Under this bill it is provided that the circuit court of appeals shall go to the zone. That is what the bill provides.

Mr. STERLING. And that is the only redress they have from the circuit court down there. Would not that be a very expensive proposition?

Mr. MANN. If the gentleman wants my opinion, it would not be an expensive proposition at all.

Mr. STERLING. I think it would.

Mr. MANN. That is a difference of opinion.

Mr. STERLING. I suppose I am entitled to that.

Mr. MANN. Certainly; but it is plainly not an expensive proceeding.

Mr. STERLING. I know it is expensive to get into the court of appeals here in any kind of case, and probably would be more so there.

Mr. MANN. There is hardly any litigation on the zone that will have to be appealed. There is scarcely any litigation on the zone. There are three judges down there now with nothing to do, and they do nothing to speak of.

Mr. STERLING. I wish to say that if this bill passes there will not be much litigation that is appealed, if it has to go to the circuit court of appeals of the United States.

Mr. MANN. But they have no place to go now.

Mr. STERLING. They have the supreme court, have they not?

Mr. MANN. They have a supreme court composed of the three circuit judges.

Mr. STERLING. Yes; and that is infinitely better than requiring a litigant to submit his rights to one man. Then he has no choice of the forum.

Mr. MANN. If I were in the gentleman's situation in reference to this matter, I should doubtless take the same position that he does.

Mr. GAINES of West Virginia. I notice that the third section provides—

That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal.

I wish to ask the gentleman, Would not that authorize the President to change the type of canal from lock level to sea level?

Mr. MANN. Oh, no; the law expressly provides for a lock-level canal.

Mr. GAINES of West Virginia. But from reading this section it occurs to me that it gives him plenary power in the construction of the canal.

Mr. MANN. I think the gentleman would not make that contention if he would read the law again.

Mr. GAINES of West Virginia. I am stating to the gentleman how it appears to me. I would be inclined to think that the careful consideration which he and his committee have given it would give him a better judgment than my own, at first blush.

Mr. MANN. If the gentleman will permit me, the first section of the bill describes the canal, and provides that it shall be called the "Panama Canal." That has reference to existing legislation. Then we provide that the President in this way shall construct and complete the canal; because the existing law provides that he shall do that through the Isthmian Canal Commission, and we repeat the language practically, only leaving out the Isthmian Canal Commission; but he is still subservient to the other provisions of the law defining what the Panama Canal is.

Mr. GAINES of West Virginia. I should like to ask the gentleman another question, which he may not want to answer. I should like to know whether the President-elect has been consulted in the matter of this provision?

Mr. MANN. He has.

Mr. GAINES of West Virginia. I believe, Mr. Chairman—

Mr. MANN. I have answered the question. Now, is the gentleman going to give the President's opinion?

Mr. GAINES of West Virginia. No; I am not.

Mr. FITZGERALD. Why should the President-elect be consulted?

Mr. GAINES of West Virginia. If the gentleman will permit me to answer, it seems to me, for this reason—

Mr. MANN. I have only a little more time left, and I have promised time to some other gentlemen. The gentleman from West Virginia can have time under the five-minute rule. Mr. Chairman, I reserve the balance of my time.

Mr. ADAMSON. Mr. Chairman, I do not know that it makes much difference what my position may be in this matter. I began twelve years ago ardently to advocate canal legislation. My judgment, together with the judgment of our committee and of this House, was in favor of the Nicaragua route, but we were overruled, and then we acquiesced in the selection of Panama. Then I, together with a great many others, preferred the sea-level type of canal. We were overruled in that. Yet I do not concede that I have entirely failed in everything. The fact remains that canal legislation has been secured, and is in operation. I still desire to secure a canal, and I do not wish to obscure that purpose nor lose sight of it in premature disputation and contention about other considerations that at this time are not necessary.

When we began work on the canal a great many gentlemen of good intentions, jealous for constitutional liberty, anxious to see theory in their minds put in practice down there, apparently lost sight of our purpose, and offered elaborate and detailed systems of legislation. Our committee and this House resisted their hasty schemes. We enacted, as far as applicable to the

Canal Zone, temporarily the act under which the Territory of Louisiana was temporarily governed upon its acquisition by this Government. Louisiana was designed to form a portion of our great Republic and become the home of millions of American-citizens.

We went to the Isthmus to dig the canal, not to found a colony nor seek homes for our people, but, as expressed in the treaty, in the act of Congress, in speeches everywhere, to dig a canal; not to look out for impossible places prematurely to exploit theories of government, where there were no people nor industries, nor commerce for them to operate on. In the name of liberty and all that is good, there is scope enough here at home for the talent of all statesmen to inaugurate and practice beneficent schemes of government. [Applause.]

I am opposed to anarchy; I am opposed to absolute government. I am in favor of free, constitutional, republican, democratic government by the people themselves for their own benefit. But at Panama we have practically a government reservation only. We have there no permanent citizens of the strip building homes and engaged in agriculture, manufacture, and commerce. We have there a few nondescript people not our own, but the people in that strip who know or care anything about government are our own citizens, who live not there, but live and retain citizenship in the States from which they went to the Isthmus. Here is their citizenship and here their citizenship will remain.

I have resisted premature framing of a permanent system of government there. We do not know what we will want. We do not know what we will have. We do not know what the citizenship will be. We do not know what the conditions will be when the canal has been finished and opened for use. Our only warrant for the construction of the canal is military and naval use. We have no constitutional power to construct it for commercial use. It is a fine place for a military and naval reserve. We know if we should succeed in the lock system that we will have a magnificent basin above these locks for the congregation of ships, and a splendid place in that strip to collect and organize a military or naval expedition, as well as to collect naval and military stores and equipment.

It is entirely premature to talk about permanent citizenship, and permanent courts, and permanent juries, and permanent legislatures, and all that when we have nothing but a number of employees in the strip, carried there for the sole purpose of digging a canal. Let us keep everything out of the way and dig the canal. [Applause.] When we have done that, let us provide permanently for a system of government according to conditions existing at that time.

The act, copied from the act for temporary government of Louisiana, expired by limitation with the Fifty-eighth Congress. It did so because we as conferees from this House in conference with the other great body of this Congress failed to secure an agreement in our contention to abolish the commission to which this House has always been consistently opposed.

In my judgment, the only thing necessary now is to reenact that temporary act so that it shall remain in force until such time as Congress can properly adopt a permanent system for the control and management of the zone. I am willing to couple with it, as we did, the abolition of the commission, because this House has always opposed that. Since the expiration of the Fifty-eighth Congress the President has correctly proceeded de facto to exercise the powers which he had begun to exercise during the life of that statute. I am willing to revive that statute which a part of this present bill proposes to do.

Inasmuch as it is the duty of the President to exercise such authority, maintain and protect our possessions, preserve order, proceed with the construction of the canal, and protect the people engaged in the construction, we ought, in my judgment, to give him the authority and sanction of express law. Most of the other parts of the bill are matters of detail, and the infinite diversity of opinion entertained by Representatives upon all those different features, everyone anxious to embody his own ideas, demonstrates more clearly than words can express the bad policy of undertaking to enact a system of government before we have somebody to govern, and in a place where there may never be anybody to govern. It is not true, as alleged, that we hesitate to frame a government because we do not know the conditions on the Isthmus. We object to premature legislation for the reason that we do know conditions on the Isthmus, and that they are such as do not require, at this time, the adoption of a permanent code of laws, nor will such be required until the canal is completed and in operation. Then developments, producing permanent and, in my judgment, entirely new conditions, will require legislation which would, perhaps, not now be appropriate at all. The adoption of an ill-advised system now might fasten it upon us to our detriment

and be hard to get rid of. Until that time it is unwise for us to embarrass or complicate the great enterprise in which we are engaged by undertaking, considering, or administering anything except what is merely incident to the construction of the canal. Certainly order can be preserved and the men engaged in the great work clothed, fed, and protected without any great danger to the liberties of our people or the principles of our great Government. Nobody denies that everything is working smoothly and satisfactorily on the Isthmus, and that the temporary government under executive order is affording protection, maintaining discipline, administering justice, and rapidly constructing the canal. The only objection is that the President is exercising autocratic power, and a hundred different Members want to substitute a hundred different schemes of legislation, all of which might do to govern a people, but none of which is suitable for the most rapid construction of a canal in a country where we have no other business at this time, and where there are no people to govern except those under contract with us. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed nine minutes.

Mr. ADAMSON. I now yield fifteen minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. I object to this bill from a standpoint of policy, as well as from principle. As I am advised, most of the provisions of the bill are unnecessary because they are but a repetition of existing law as applicable now to the Panama Zone. I believe that it is an inopportune time for Congress, by such legislation as this, to call the attention of the country to the fact that a change of the executive, administrative, as well as the governmental, policy of the Canal Zone is necessary.

A great many drastic criticisms, through the public press and otherwise, about the Panama Canal have recently been indulged in, which undoubtedly have had a disquieting effect in the public mind. Many well-informed people, apparently sincere in their convictions, earnestly contend that the Government made a vital blunder in preferring a lock-and-dam canal instead of a sea-level canal. So strong, earnest, and demonstrative was this sea-level sentiment that President-elect Taft, on his recent visit to the Isthmus, carried with him six expert engineers to look over and carefully examine the plans for the construction of the lock-and-dam canal as adopted by Congress and to see whether the same is in accord with the most modern and best engineering skill and ability, and whether the work in carrying out this plan was being efficiently, economically, and honestly performed.

We ought at least to await the report of those engineers. I say it occurs to me that under existing conditions this is an inopportune time to take any steps for a change in either the executive or administrative policy of the Canal Zone. I simply refer at the beginning of these remarks to one section in this bill. I think that the bill is but a repetition in nearly all of its provisions of the rules and authority that have been existing on the Canal Zone for years, and a careful scanning and perusal of this bill will disclose the fact that it is but a repetition of rules and provisions declared by the President of the United States and that have been heretofore enforced. I desire to call especial attention to section 2, which is the leading vital feature of the bill, for all other sections are secondary to its provisions. Let us look at section 2 of the bill, and I will read it:

Sec. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint—

And I pause to ask any gentleman on the floor of this House, Has not the President been doing just what I have just read? To continue—

and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

It is claimed that the President of the United States since the expiration of the Fifty-eighth Congress has been, under the provisions of the act of Congress of April, 1904, making and enforcing law on the Canal Zone without authority. The authority conferred on the President in section 2 is too broad. Such authority is not in accord with our republican institutions. Why, I ask, this restiveness about the authority that the President has been exercising on the Canal Zone?

But the astonishing thing connected with the unlimited power that this section confers on the President and that has been en-

forced in the Canal Zone for years past is that it is to be ratified and confirmed; but such ratification and confirmation will not deprive the President of the power to revoke or amend the same. This virtually gives the President the authority to revoke or amend an act of Congress. No such power as this was ever before conferred in the history of our Republic on a President of the United States. I ask if that is not the sole object of this bill? In addition to that, Mr. Chairman, it is proposed to change the judiciary. My distinguished friend from Illinois [Mr. MANN] failed to read the hearings that took place on the Canal Zone before the Interstate and Foreign Commerce Committee within the last month. We had before us Judge Gudger, who had recently been appointed chief justice, and in answer to a question propounded to him he said:

Our object has been to have our people try the cases. The life of a criminal case in our courts is about three weeks from the time the crime is committed until it is out of court; that is, not a capital case. The civil cases must be tried or the parties must get out of court within a reasonable time, but there are three cases now on the docket which have been there for two or three years. We have made every exertion to have them tried or dismissed within a reasonable time.

Mr. HUBBARD of West Virginia. Will the gentleman permit a question right there?

Mr. RICHARDSON. Yes; just a question.

Mr. HUBBARD of West Virginia. That is, whether or not that same gentleman did not say—

I am thoroughly satisfied that the business (referring to the business of the courts) in the zone will not increase, and so far as the trial of cases is concerned that one judge can attend to all the business.

Mr. RICHARDSON. Yes; and afterwards he said that the best and most economical administration of justice was in the courts, as now organized, and he said further:

We try cases in this country more rapidly than is the case in the United States, because we have no juries, but we are handicapped by virtue of the fact that many of the litigants are Spanish, many of them French speaking, and a large number of Chinese, and these speak foreign languages, so we have to have interpreters.

In reply to the suggestion to send a federal judge to hold court on the zone, he said:

I do not know how much they would allow that man. He would be a regular federal judge in the United States; he would come here with a salary of \$6,000 or \$7,000 a year. Do you think that would save money to the Government? I think the amount would be so small that it would not compensate for the other difficulties and troubles, and I say further that our judicial system, as a whole, is little expense to the Government. The expense of all our courts amounts to practically \$43,000, and the income from all sources in our offices amounts to \$33,983; I have the exact figures. There is a deficit of only \$9,017 as between our receipts and disbursements, and that includes salaries of all clerks connected with the courts, judges, interpreters, janitors, rent of buildings, actual running expenses, etc.

Mr. RICHARDSON. Then you do not think it can be more economically administered than now?

Judge GUDGER. That is my judgment.

And what is the substitute that this bill proposes? It is to take a federal judge from the fifth circuit, with headquarters in Louisiana, and send him over there among those people to whom he is a stranger; and you know and I know that the courts are administered with more harmony and with more dispatch of business by the men who live among the people that they know than by a judge who is sent from across the water to administer their rights in the courts. It is not any economy in any way at all.

Mr. Chairman, there are other provisions of this bill to which I would like very much to call attention, because the real purpose of the bill is to alter the judiciary and abolish the commission, and that is all there is in it. As I said, section 2 is the headlight of this bill. In the time allowed me I can not fully present my views on all the provisions of the bill.

The CHAIRMAN. The time of the gentleman has expired. The Chair will state that the gentleman from Georgia, who is temporarily absent, has authorized the Chair to recognize the gentleman from Alabama for three minutes longer.

Mr. RICHARDSON. There is nothing else in this bill but to abolish the commission, alter the judiciary, and have one judge instead of three and ratify all the acts and the works of the President there in the last four, five, or six years.

I believe that if a sea-level canal had been adopted we would have heard just as much, if not more, complaint, based on the ground that it ought to have been a lock and dam canal. Under these circumstances and surroundings, at this particular sensitive juncture of canal interest and affairs, why should Congress give impulse and character to the disturbed, distrustful feeling throughout the country by enacting a law that certainly can not be considered absolutely indispensable? I do not hesitate to say for myself that on my recent visit with the members of the Interstate and Foreign Commerce Committee of the House and others to the Panama Canal many of my preconceived prejudices and objections were removed by the opportunity given to personally look over the work at the Gatun

dam and examine the slip that had taken place on the southern toe of the dam, see the material that had formed the slip, note the depression in the embankment, have all these matters thoroughly explained by competent engineers, and, as a layman, apply your common sense. It occurred to me that the magnitude of that slip and its importance had been greatly exaggerated in this country, and that its significance tended to strengthen the belief of the engineers having in charge the construction of the great Gatun Dam that a sufficient and safe foundation to bear the great weight of this dam has been established. Unquestionably, if the material that was pressed so heavily by upper weight of the embankment had been resting on unstable or a miry foundation, it would have gone downward and would not have made the slip on the outside.

We stood in the great Culebra Cut and had explained to us the advantage that we had gained, that I had never heard of before, in the trade that we made with the French by utilizing something over 28,000,000 cubic yards of dirt that the French had taken out of the Culebra Cut. It was told to us and pointed out to us how the French had gone down, and that we had taken out an additional 31,000,000 cubic yards of dirt and had probably 30,000,000 more to take out before the canal could reach its proper level. All such matters were generally and fully explained to us, and appealed to us as laymen from a standpoint of common sense. We can better understand what progress has been made in the matter of excavation when we recall the fact that during the month of August, 1907, something over a million cubic yards of dirt was excavated, and during the corresponding month of August, 1908, over 3,000,000 cubic yards of dirt was excavated.

Of course one of the great problems in accomplishing success in the construction of the Gatun dam relates to seepage, and not the seepage on the outskirts of the dam or under its foundation, but such a seepage of water as would lower the level of the lake impounded by the dam. It is, of course, admitted that the surrounding hills near the Gatun dam are the result of prehistoric volcanic convulsions, and scientists tell us that such convulsions frequently result in leaving in their trail crevices, cavities, and seams in these hills which are invisible to the eye. It is natural to believe that when the water submerges these hills nearest to the dam, the water on the dam being 85 feet high the hills will become saturated and the water will gradually seep into these seams, crevices, and defective places and find an outlet in some other way than through the lake, and thereby reduce the level of the water impounded from 85 feet. It is a danger that no engineering skill is able to compete with any more than it could compete with an earthquake in the future. All of the safeguards and precautions have been taken by the officers in charge to find out whether these defects exist in these hills. Reservoirs have been established, and as yet no evidence has been given of the escape of the water.

I do not hesitate to say that I believe that the chief engineer and his associates in charge of the work are honest, competent, and faithful, and if left undisturbed by unnecessary interference and legislative changes, will successfully complete the canal on the plan adopted by Congress, and give to our Republic the glory it well deserves of conferring upon the nations of the world an inestimable benefaction. [Applause.]

In connection with the construction of the canal three great vital and important problems have already been successfully solved. The failure of either one would have a great effect in obstructing the construction of the canal.

The first is, that Congress, based on the opinion of competent engineers, determined to build a lock-and-dam canal. Therefore the plan for building the canal is settled, and it is unwise and hardly patriotic to urge at this time that in selecting the lock-and-dam canal we made a great and vital blunder and ought to have selected a sea-level canal. It would be just as appropriate for the Members of this House who all, almost unanimously, voted to support the Nicaragua route to contend now that we ought to go back to Nicaragua and build the canal there. The great world project has passed, in my opinion, the period of discussion. Success now, on the plan adopted, should appeal to our national pride and stimulate us to give aid and encouragement that will help the able men in charge of the work.

The second great problem solved is, the splendid sanitation wrought under the direction of the great intellect of Doctor Gorgas. To-day the Panama Zone is rated as one of the healthiest place in the Tropics, when heretofore it was a cesspool of disease and death. One of the great drawbacks that the French met was the fatality of the disease encountered in that tropical climate. The line of the Panama Railroad was a veritable graveyard, and the dead train, I am told, left Panama

every morning and gathered the dead bodies between there and Colon. To-day the death rate of Panama falls but little below the death rate of the cities of the States. This question, I say, has been solved, and successfully solved.

Of the three problems that have been solved, one of the most important in connection with the building of the canal is the housing and feeding of the army of employees in that work. Colonel Goethals and those associated with him have demonstrated a capacity for organization and discipline that challenges the admiration of everyone. I was particularly impressed with what was apparent, that the humblest as well as the highest employees of the great work were profoundly interested and had pride in the successful construction of the canal.

The Government pays good wages, based on the gold standard and the silver standard. Every engineer and employee connected with the railroad service receives 65 cents in gold per hour; and every employee, labor from the West Indies, and so forth, being paid on the silver basis. Everything has been done by the Government to give satisfaction and contentment to the laborers, because without this great trouble would arise. Hotels have been built along the line of the Panama Railroad and wholesome provisions provided at the very cheapest rate, affording the laborer the opportunity to make money and send it home.

And it is under this wise policy that the question of securing labor is no longer one of doubt. The labor necessary is easily provided, for it has gotten out over the country what the policy of our Government is in reference to this labor. The difficulty of accomplishing this can well be understood when it is known that 52 different nationalities represent the laborers at work on the canal, and yet it has been done and the work is progressing in the most methodical and businesslike way.

For myself, I saw no evidence of waste or extravagance. I do not believe that graft or an improper or dishonest appropriation of the vast sum of money appropriated by the Government can be successfully charged or maintained; but we hear some people say that the expense of the construction of the canal will be more than double the estimated original cost. I have no doubt myself that it will exceed or double the estimated original cost of the canal. I am advised that we have expended already something over \$80,000,000, and if it does not exceed \$300,000,000 before the time we get through I think the American people ought to be content and satisfied. Everybody regrets that the cost of the canal will exceed the original estimate, but, I say, what man will stand up to-day before the American people and contend that for that reason we should abandon the work? The man who would do that exaggerates the love of money by the American people, and has but little appreciation of the pluck and pride of the people of our great Republic.

We have put our hands to this great job, and with due regard to economy and an honest appropriation of the money provided, our Government will not take its hands off this job until it is completed.

As I said in the opening of my remarks, the surest way to succeed in completing the canal is not to interfere with the present order of things prevailing on the Canal Zone. If under the present rule of matters success awaits our efforts, then let it alone. The proposed legislation is unnecessary, and for that reason harmful. Let Colonel Goethals and his able and competent associates work out the problem, and for one I believe by their ability and skill it can be done. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield fifteen minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Chairman, this bill as reported from the committee does not meet in all of its features my approval. If we had the time, and if I could control it, I would, Mr. Chairman, enact laws to govern the people upon the Panama zone, certainly our own citizens who reside there or who will be there until the completion of this canal, such as we would enact for all of the citizens of the United States, wherever they may be found. I am as strong an opponent of the government by executive order or decree, or enactment of laws by commissions, as anyone, but I can not shut my eyes to the fact that it is better for Congress to enact some sort of laws, and to recognize those laws, if they are good laws, that have already been enacted, even though they may have been enacted in a way that does not meet our approval, than to leave matters to exist on the Isthmus as they are, which means chaos and confusion.

This is the greatest engineering work probably ever undertaken in the history of the world and is expected to be carried on to a successful completion for the benefit of the commerce of the world, and mainly for the benefit of the commerce of the people of the United States and the protection of our people in time of war. There is no section of this great country of ours

that is more deeply interested in the successful completion of this work than the section that I have the honor to represent. And while we may not, as we do not, approve the questionable methods, as I believe them to be, by which the Panama Isthmus was secured, and while we may fear, as we do fear, that the future historians will properly write about that transaction in a way which will not reflect great credit upon the United States, yet, from investigation and inquiries and from personal visits to the Isthmus, I believe that the completion of this work will be accomplished and will be carried out as now is proposed and expected by those in charge of the work.

But in order that the five thousand—and the number may increase monthly and yearly—of American citizens who are compelled to reside in that zone may be given some semblance of law, some protection to person and property, some proper way in which to settle the rights of person and of property, and the proper procedure by trials in court, I have consented to at least acquiesce in, if I do not agree with, all the provisions of this bill. It is far better, in my opinion, that the bill this committee has reported should be passed than to leave the zone as it will be without the bill, to leave executive usurpation and power full and free way. I confess that if I had the time and the power to write a bill for the government of the zone I would not write it as this one is written in many particulars. I would not leave to the Executive the power to decree or repeal what law should exist in the zone. The chief and most forcible objection is the fact that power is conferred upon the President to enact laws, either himself or through commissions or officers that he might create or appoint.

I am opposed to that fundamentally, and yet I recall the act of 1803 relative to Louisiana, that the greatest patriot and the greatest lover of the liberties of the people, he who wrote the Declaration of Independence and proclaimed the fundamental doctrine of the Democratic party, on an occasion where a territory was acquired in which there was no government, recommended and Congress passed an act giving to Jefferson the same power and the same authority that this act in very language gives to the President of the United States.

I think it well to read this act with reference to the Louisiana territory that had been recently acquired by purchase, just as the Panama Zone was. It reads:

SEC. 2. And be it further enacted, That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. HARDWICK. Will my colleague allow me a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HARDWICK. Now, the gentleman knows very well that this power was vested in the President for but one session of Congress.

Mr. BARTLETT of Georgia. It says "until the expiration of the present session of Congress."

Mr. HARDWICK. In the case of 1803, which you state is exactly the same, it was only to continue during one session of Congress, and yet your committee comes now with a proposition that is to make it permanent.

Mr. BARTLETT of Georgia. Oh, no; and to violate a principle for a day is bad. I confess to my colleague, and nobody knows better than he, that this grant of power to the Executive to decree or enact law does not meet my approval. However, I prefer to continue to grant this power—the same that Jefferson had in Louisiana—than to permit to continue the laws under which these thousands of people now live and submit on the zone to have no jury trials and no right to appeal their cases to our own courts. In other words, between two great evils I undertake to accept the lesser; and when it is stated that we are granting power to the President to make law, either by himself or through a commission, I recall that under similar conditions the first great President of the party to which I have the honor and am proud to belong requested like authority, and it was granted by Congress. Of course I know it was not abused in that instance. It is not my duty nor my privilege, probably, to say whether it has been abused since 1904 by the present Chief Executive. I will say, however, that I have less fears in intrusting it to the incoming President than I did have in 1904 to intrust it to the then President.

Now, Mr. Chairman, we have had upon the zone until February, 1908, no trial by jury at all. Men were convicted of capital crimes and sentenced to be hanged by one judge or by two judges. That is corrected by this bill. In an executive order of February, 1908, the President provided for trial by jury in capital cases, and that is now being done. But with my love of liberty for the citizens and my veneration for the jury system,

and from experience as a practitioner of law and as a judge, as well as from love of the doctrines and traditions handed down to us by our forefathers, who established this system in England, I was not willing to vote for any bill that would deprive from the right of trial by jury the people upon the zone. Therefore I insisted that there be incorporated in this bill the right of trial by jury in every case of felony, and the necessary provision has been made.

Personally, I am not like the gentleman from Illinois [Mr. MANN], who is not in favor of it. This is the provision for trial by jury in every felony case, which means that in every case where the fine exceeds \$25 and the imprisonment thirty days a man on the zone will be entitled to the right of trial by jury, as is provided for in the Constitution of the United States.

Mr. CANDLER. Will the gentleman allow me to ask him what are the qualifications of the jurors?

Mr. BARTLETT of Georgia. There is nothing in this bill prescribing what their qualifications shall be. There is one prescribed in an executive order.

Mr. CANDLER. That is what I am inquiring about.

Mr. BARTLETT of Georgia. It does not provide that they shall be citizens of the United States, but does provide that they shall be able to read and write and understand the English language. That is all.

Mr. HELM. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HELM. Do you know whether it is a fact that three men have been tried, convicted, and sentenced to be hung on the Canal Zone without the intervention of a jury?

Mr. BARTLETT of Georgia. I have stated a few moments ago that three men were under sentence of death who had been convicted without being tried by a jury.

Mr. HELM. Is it not a fact that one of them has been hung?

Mr. BARTLETT of Georgia. No, sir; he was respited by Colonel Goethals upon the day that he was to be executed, and I heartily congratulated him on doing that.

Now, I say every man who may be charged with an offense for which he may be fined \$25 or imprisoned thirty days under this bill will have a right to trial by jury. I have succeeded in getting that much upon this bill.

Mr. GILLESPIE. Will the gentleman allow me to interrupt him?

Mr. BARTLETT of Georgia. Certainly.

Mr. GILLESPIE. You say that the qualification of the juror is simply that he must be able to read and write the English language?

Mr. BARTLETT of Georgia. The qualification required by the executive order makes it so that nobody but white jurors are selected.

Mr. GILLESPIE. Unless you have got that qualification of "white" in there you will have 26,000 Jamaica negroes on the jury.

Mr. BARTLETT of Georgia. No; you will not, under the officials appointed by the chairman of the commission, Colonel Goethals, who may draw and select the persons qualified to serve as jurors; I will tell you that. No one but white Americans have yet been selected. And so far as the American negro is concerned, we were told that they do not want him down there for any purpose, and rather encourage his not going there; that they were a nuisance and an interference to the transaction of business being carried on, so far as that was concerned, and were mostly given to creating disturbances, and raising questions of equality and asserting their privileges and rights as citizens of the United States.

Now, Mr. Chairman, we here propose to approve and ratify the laws as they have been enacted by the Canal Commission and approved by the Executive. The Canal Zone laws are contained in this pamphlet. Having examined them, I confess that they are very admirable in many particulars. They are copied from many of the laws of the States of the Union. The same rights are guaranteed, and the same offenses are punished in most particulars, except as provisions peculiar to that locality are made. In this other pamphlet are the laws of procedure; and so far as I can learn it is very admirable from the standpoint of those who understand and favor the procedure under what is known as the "civil law" and the practice under that system.

Mr. HITCHCOCK. Under this jurisdiction given to the supreme court in the Canal Zone will it be possible, for instance, to take the editor of the New York World from New York and extradite him to the Canal Zone and try him there for criminal libel, as is contemplated under the present processes which are being experimented with?

Mr. BARTLETT of Georgia. I do not think that under the law of the United States as it now exists and has existed for

over a hundred years you can try the editor or the publisher of a newspaper—the New York World—for the alleged libel which is now the subject of public inquiry. I do not believe the offense alleged is one that can be tried anywhere in the United States, in the Canal Zone, in the Philippines, or in Porto Rico, or anywhere according to the laws of the United States. As long as the question has been asked me, I do not believe that libeling the Government of the United States is an offense that can be committed in this country since the repeal of the sedition laws of 1800.

Mr. HITCHCOCK. Would there be any difference between the jurisdiction of the supreme court of the District of Columbia and the jurisdiction of the circuit court in Panama? If it would be valid here, it would be valid in the Canal Zone, would it not?

Mr. BARTLETT of Georgia. I do not think so. I do not think under this bill that it would.

The CHAIRMAN. The Chair will state that owing to interruptions the time of the gentleman from Georgia has been consumed.

Mr. MANN. I yield to the gentleman from Georgia three minutes more, if he desires it.

Mr. BARTLETT of Georgia. Mr. Chairman, I thank the gentleman. I have said about all that I care to say except that, reluctant as I do feel to support a measure of this character—because I do not believe that as a general rule any people should be governed by orders from the Executive or by laws made anywhere except in the forum of the people authorized by the Constitution to enact law—yet, facing conditions, and not merely a theory, that exist on this Canal Zone, realizing the importance of the proper conduct and looking to the completion of this great work, which when completed means so much for our entire country and for the section from which I come and for the whole world, when we have secured to the people on the zone, as we have in this bill, a right of trial by jury in cases where it has not existed heretofore; when in addition to that we have put into this bill the right of a man in every case, whether civil or criminal, to appeal to the Supreme Court of the United States where questions involving the Constitution are concerned and in capital cases, as well the right to bring any case up by certiorari, I think that, for the time being at least, we can afford to vote for this measure rather than to leave anarchy and chaos to reign on the Isthmus, without law from any source.

Therefore, Mr. Chairman, although my views on the general subject are firm and unchanged, and will remain unchanged to the end, yet I believe that on account of the peculiar conditions that surround this work, because of the fact that the Supreme Court has but recently refused to take recognition of the jurisdiction of cases from the courts now established there; since we have not by legislative enactment provided for an appeal to the Supreme Court, rather than let the only law or procedure in court be by executive usurpation longer, and without the sanction of Congress, the lawmaking power. I have consented to support this bill, though it does not in many important particulars meet my approval. [Applause.]

Mr. ADAMSON. Mr. Chairman, when the time of the gentleman from Georgia [Mr. BARTLETT] expired, my attention was otherwise engaged, or I would have yielded to him additional time. The gentleman from Illinois [Mr. MANN] had just told me that he was embarrassed for time. Therefore I desire that the additional three minutes granted to the gentleman from Georgia [Mr. BARTLETT] be charged to me.

Mr. MANN. I thank the gentleman.

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from New York [Mr. HARRISON] twelve minutes.

Mr. HARRISON. Mr. Chairman, I hope the committee will vote down this bill. Certain features of the bill unquestionably offer an improvement upon existing conditions in regard to the government of the Panama Canal Zone, but, in my opinion, certain other features of this bill are so poisonous in principle as to corrupt the whole body of the bill.

These features, briefly stated, are: First, those contained in sections 10 and 11 of the bill, in which we are asked to vote to the President the right to make land leases on the Canal Zone, which, in my opinion, is in derogation of the rights of the courts to pass upon land titles, and therefore obnoxious to every Democrat and every strict constructionist.

A second particular in which I am unalterably opposed to the bill is contained in the second paragraph of the bill, in which it is proposed to give to the President once more the right and authority to conduct all civil and military government on the Panama Canal Zone, and to make all rules and regulations to that effect.

In the last session of this Congress a resolution passed the House of Representatives calling upon the President to inform us by what authority of law he had been continuing his personal government in the Canal Zone since the expiration of the Fifty-eighth Congress. In response to that resolution the President replied that he found his authority in certain acts of Congress, which he enumerated, and which I propose to discuss with great brevity.

The first thing to which he refers as conferring the authority upon him for his autocratic government in the Canal Zone is the treaty between the United States and Panama, where the United States acquires the "use, occupation, and control" of the Canal Zone, and also—

All the right, powers, and authority within the zone mentioned which the United States would possess and exercise if it were a sovereign of the territory.

Well and good; that certainly gives us practical sovereignty over the zone, but does not confer on the President any right of personal government.

The next act he cites is the act of January 28, 1902, called the "Spooney Act." In the Spooner Act the President is thereby authorized to acquire certain rights and also jurisdiction over said strip and ports at the ends thereof—

To make such police and sanitary rules and regulations as shall be necessary to preserve order and to preserve the public health thereon, and to establish such judicial tribunals—

And so forth.

This unquestionably confers upon the Congress of the United States the right to legislate in this respect, but I can not understand how it is claimed that it confers on the President the right to establish a government of personal legislation upon the zone.

The act of April 28, 1904, is the next act upon which he relies. That is one that has been often cited in the debate here to-day, and in its express terms limits the authority of the President to maintain personal government on the zone to the life of the Fifty-eighth Congress and expires with that.

The next act to which he refers is the act of March 3, 1905. That is an urgent deficiency bill of that date, and it contains a provision that so much of the sum which has been heretofore appropriated to run the Panama Canal Zone and was still unexpended might be expended, and "the commission is hereby revived and continued until the beginning of the next session of Congress." No authority by the wildest stretch of imagination is given him by the Fifty-eighth Congress to proceed further than the convening of the next Congress.

The next act to which he refers is the act of December 21, 1905. That is an act supplemental to the Panama Canal act, and in this the President is authorized "to call upon the persons who are employed to take charge of the government of the Canal Zone" for annual reports. That is all. The other acts to which he refers—June 30, 1906, and March 4, 1907—are further appropriation acts.

Now, it is perfectly clear to all of us, and it is evidently clear to the Committee on Interstate and Foreign Commerce, that the authority of the President, in spite of his somewhat laconic message in answer to the House resolution, expired with the life of the Fifty-eighth Congress. The gentleman from Illinois himself admits as much in his report, and he has again done so in his remarks this morning.

But the gentleman from Illinois goes on to say that on the expiration of his authority the President, "with a high degree of statesmanship," undertook to continue the civil government. I would ask the gentleman whether the aggrandizement of executive power at the expense of the legislative is his idea of high statesmanship [applause on the Democratic side] and whether he believes that simply because we have moved down into the middle of the Central American Republics it is necessary for us to have the Central American form of government in any Territory of the United States? [Laughter and applause on the Democratic side.]

The President was able to see in these acts of Congress to which he refers authority to continue his autocratic rule upon the zone. What an amazingly penetrating vision! What a great gift such a vision as that is! Why, Mr. Chairman, when the President gets to central Africa there will not be a wild beast on the continent lurking within the jungles that will be safe from that keen vision. It is no wonder that with a vision like that the President was able to perceive in an apparently healthy army surgeon the first signs of physical decrepitude which necessitated his retirement in order to accompany the President upon his trip!

Mr. Chairman, I am opposed to increasing the scope of executive power in the Canal Zone and elsewhere. I am particularly fearful of the consequences in the premises, because I dread the

possibility of the extension of the scope of activities of Mr. William Nelson Cromwell. I do not find under our American form of government any place for an international intriguer or for a professional revolutionist. [Applause on the Democratic side.]

The gentleman from Georgia [Mr. BARTLETT] and his colleague [Mr. ADAMSON] have both cited as an apparent precedent the act of Congress at the time of the Louisiana Purchase as the reason why Democrats in this House should vote now to give the Executive unbounded personal authority over the Canal Zone.

Mr. BARTLETT of Georgia. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. HARRISON. For a question.

Mr. BARTLETT of Georgia. Mr. Chairman, I did not cite that as a reason why Democrats should vote for this bill. I simply cited it to show why I will vote for it.

Mr. HARRISON. I accept the gentleman's correction. So far as he is concerned, he does not approve it, but he is going to vote for the bill. The other gentleman from Georgia [Mr. ADAMSON], however, has unbounded approval for such a measure as this.

Mr. ADAMSON. Mr. Chairman, I beg to correct the gentleman. I am not talking about a permanent system of government for a State. I am talking about building a canal and I do not want to get lost in anything else. Therefore, I say, let the President build the canal right now.

Mr. HARRISON. Mr. Chairman, I understood perfectly the scope of the gentleman's remarks. He and I differ somewhat as to what he calls "permanent" and what he calls "premature." I will come to that in a moment. Meanwhile I wish, if possible, to controvert his statement that the act of Congress of 1803 giving President Jefferson this authority over the newly acquired Louisiana Territory was any precedent for action in this case. I have in the last session of Congress entered very fully into a discussion of the history of our country in the establishment of military or de facto governments in our newly acquired territories. I will not detain the committee at the present moment with a further discussion of that, but I wish to reiterate my former statements that the absolute authority given to President Jefferson was given to him under the apprehension that at any time a war might break out between the settlers on the Ohio and Mississippi rivers on the one side and the Spanish at the mouth of the Mississippi River on the other side as to the rights of deposit and navigation of that river. Moreover, in that case we were incorporating into our public domain a region as vast as the whole of the United States of that day, a region for the great part utterly unknown even to explorers and to trappers. No wonder that the Congress of the United States hesitated to frame a permanent form of government under those circumstances. They limited to the session of Congress in which the act was passed the authority to govern given to President Jefferson, and within eleven months the Congress framed a form of government for the newly acquired territory and put in charge of it as civil governor the then governor of the Mississippi Territory. That condition of affairs and this one to-day are as far apart as the two poles. In my opinion it is absurd to cite the Louisiana Purchase as a precedent for action of similar sort now.

The Panama Canal Zone, about 20 to 22 miles long and 10 miles wide, is as well known to Members of this House by personal inspection. I dare say, as is the home city of the gentleman from Illinois [Mr. MANN], and I dare say that the Members of this House are as fit to prepare a civil form of government for that territory to-day as is the legislature of the State of Illinois to prepare a charter for the city of Chicago. I see no reason for this continued delay on the part of Congress. When the Committee on Interstate and Foreign Commerce brought in its bill five years ago I opposed it upon the floor and offered a bill of my own. I may say in passing that this bill incorporates two or three of the provisions of the bill which I offered at that time and which so far as I can see might just as well have been enacted into law at that time.

Mr. MANN. O Mr. Chairman, the gentleman is mistaken about that. This does not incorporate any of that bill. Is the gentleman proud of that bill?

Mr. HARRISON. I am proud of certain features of it. I think the situation down there would have been vastly improved had we enacted it into law at that time.

Mr. BARTLETT of Georgia. I want to say to the gentleman I think so, too, and I wish I could get his bill, but I can not.

Mr. MANN. I am glad somebody thinks so.

Mr. HARRISON. Mr. Chairman, at the time that committee brought in that bill the chairman of the committee, the gentleman from Iowa [Mr. HEPBURN], a gentleman for whom I have

the most profound respect and admiration, stated upon the floor of this House that the measure was purely temporary in its nature, and these are his words.

He referred to some remarks that I had just made, and he said I need not be—

Disturbed by the fear of extension of autocratic power on the part of the President, for, by limitation, clear and explicit, this act will expire with the end of this Congress. This is only a temporary measure, and was adopted because the committee did not have the information and could not acquire the information that would be necessary for the establishment of a permanent government.

What the gentleman from Iowa meant by "temporary" is borne out by a newspaper interview which he gave out at the same time, in which he said:

Therefore, in view of the fact that the commission would return during the summer after having studied the subject, and that we would then have some accurate information, we concluded that we would postpone all detailed legislation until that time, and that during the six or eight months that would intervene the President would have ample power to do everything that would be necessary about it.

In the course of "six or eight months," he says, while five years have now passed and we are again asked to renew that autocratic power. If some legislative Rip Van Winkle reappears on the scene in the Eightieth Congress, he will find the Committee on Interstate and Foreign Commerce urging the Committee of the Whole again to place in the President autocratic powers similar to those requested in this bill. Mr. Chairman, I hope the Democrats in this House at least will vote against this bill. I consider it a most pernicious precedent; I consider it most un-Democratic, most un-Republican, and most un-American. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 8, 1909:

H. R. 8050. An act for the relief of James R. Wyrick.

On February 9, 1909:

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirtieth Infantry, U. S. Army; and

H. R. 27427. An act to prohibit the importation and use of opium for other than medicinal purposes.

GOVERNMENT OF CANAL ZONE, ETC.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I have listened with interest to the discussion of the gentleman from New York, for whose opinions I always feel a profound degree of respect, but I am unable to agree with them with reference to this bill. I believe, gentlemen, that this bill is a distinct improvement upon the existing situation, and I commit myself to its provisions with pleasure. We have from the distinguished gentleman from New York a criticism of this measure because it permits the Executive to make leases of lands, and yet almost every day of the year an executive department of this Government is making leases of the public lands within the domain of the United States. My reply to that proposition is that if the Interior Department can exercise the power to make leases or be trusted with the exercise of the power to make leases within the domain of the United States on its public lands, then the President of the United States certainly can be trusted with the power, as conditions now exist upon the Isthmus of Panama.

The second proposition raised by the gentleman from New York is that this bill gives the Executive an undue amount of power, and Congress is criticised for reposing that power in the President. It is said that the President, since the expiration of the Fifty-ninth Congress, has repeatedly and wrongfully exercised the powers of government on the Panama Canal Zone, the limitation fixed by act of Congress having expired. Let me call the attention of the gentleman to the fact that when this Government acquires unorganized territory the duty devolves upon Congress, under every decision of the Supreme Court of the United States, to legislate for the government of that territory, and when Congress prescribes by its legislation a limitation, then the duty devolves upon the Congress to extend the legislation or enact better legislation. But, gentlemen, when a government once exists, I do not understand it as a principle of law that when a limitation of that sort expires, when Congress fails to exercise its power to legislate, that the government is abol-

ished and no government exists, but that a state of anarchy arises. Let me ask, gentlemen, whether or not, when this limitation expired and Congress failed to legislate, whose dereliction that was? Was it a dereliction upon the part of the Executive or upon Congress itself? I for one am unwilling—

Mr. HARRISON. Will the gentleman yield?

Mr. ROBINSON. I can not yield now. I for one am unwilling to criticize the executive branch of this Government for continuing a government which Congress has expressly approved and refused to repeal heretofore, which was its duty if it did not approve of the government which had been established. I will say to him I believe, as a lawyer, that the President was warranted in continuing the government which had been established on the Panama Canal Zone. But, passing to the consideration of this bill, I think it is a distinct improvement on the existing government there, and that is why I am going to vote for it.

I want to see the Panama Canal completed, and I believe the gentlemen here who want to see that great enterprise consummated will join with me in voting for the provisions of this bill. I want to say to you that the judicial features of this bill are, in my humble judgment, a distinct improvement over existing conditions. Under this bill the right of trial by jury, which does not apply in unorganized territories except as extended by Congress, is guaranteed to the people on the Isthmus of Panama. I may say that, under the decision of Dorr against the United States, it was held that until Congress extended the right of trial by jury it did not apply in unorganized territory. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield the balance of my time to my colleague on the committee, the gentleman from Minnesota [Mr. STEVENS].

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] is recognized for ten minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the importance of this bill has been somewhat exaggerated by some of the gentlemen who have agonized over conditions upon the Isthmus and the terrible destruction of our institutions which will ensue by the passage of this legislation. Your Committee on Interstate and Foreign Commerce have designed to meet conditions down there in a practical way.

Mr. HARDWICK. Mr. Chairman, a parliamentary inquiry. Is the gentleman in favor of the bill?

Mr. STEVENS of Minnesota. Mr. Chairman, I hope this will not come out of my time.

Mr. HARDWICK. Of course not; but I want to say this, Mr. Chairman, that there ought to be some sort of a division of time between the gentlemen in favor of and those opposed to the bill. Nearly all the time has been consumed by gentlemen in favor of the bill.

Mr. STEVENS of Minnesota. Does this inquiry come out of my time?

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] has the floor. He asked a parliamentary question.

Mr. HARDWICK. A parliamentary inquiry. I want to know, considering how the time has been consumed, how much of it by the friends of the bill and how much of it by the enemies of the bill, whether or not the gentleman who is now undertaking to take the last ten minutes is entitled to use that ten minutes against some gentleman who is opposed to the bill?

Mr. MANN. I call the attention of the Chair to the fact that, having taken the floor, under the rules I was entitled to one hour's time and to yield such portion of it as I please. The gentleman made a mistake in not rising and asking for recognition.

Mr. HARDWICK. Has the hour expired, I will inquire of the gentleman? I make the point of order, Mr. Chairman, that the hour has already expired, and therefore the gentleman is not entitled to the floor any longer.

Mr. MANN. The gentleman is mistaken. My hour has not expired.

Mr. HARDWICK. I think the gentleman's hour has expired.

The CHAIRMAN (Mr. FOSTER of Vermont). The Chair will state to the gentleman that he is mistaken about that. The Chair was not constituted then as it is since this discussion arose, but the Chair understands that the gentleman from Illinois rose and was recognized for one hour, and that he reserved the balance of his time when he surrendered the floor. There are ten minutes left, which ten minutes he has yielded to his colleague, the gentleman from Minnesota [Mr. STEVENS]. The Chair understands the same situation was true with reference to the gentleman from Georgia [Mr. ADAMSON], who was recognized for one hour in opposition, and that time was used by him and the persons to whom he yielded time. Now,

of those two hours there are only ten minutes remaining, and the gentleman from Minnesota [Mr. STEVENS] has been recognized.

Mr. KEIFER. Mr. Chairman, let me say the decision is all right—

The CHAIRMAN. The Chair thanks the gentleman.

Mr. KEIFER. As to the fact of the apportionment; but when the gentleman from Illinois [Mr. MANN] commenced his speech he agreed to yield time to those opposing the bill out of his hour, and now he does not do so.

Mr. MANN. The gentleman is mistaken. I can not let a statement like that go unchallenged.

Mr. KEIFER. There are a hundred men here who heard him make the statement.

Mr. MANN. I would have been very glad to yield to the gentleman, as I said to him I would yield if I could.

Mr. KEIFER. You did not qualify it.

The CHAIRMAN (Mr. OLMSTED). The gentleman from Minnesota is recognized for ten minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, it seems to me that the real purpose of this bill has been somewhat obscured. This country is upon the Isthmus of Panama for the purpose of constructing a great canal, the greatest engineering work of the age. The type of it has been settled by Congress to the acceptance of the American people. Coincident with the construction of the canal it is the business of this Government, of this Congress, to establish some sort of civil government among those people who are engaged in that great enterprise. It is for the inestimable advantage of that great work that the right kind of a civil government be established among them. If that be not done, chaos and anarchy will ensue among the people engaged there; and the construction of the canal will be greatly delayed, if not entirely defeated. For that reason your committee has deemed it necessary to procure the proper information and draft a measure adapted to actual conditions as best it could, designed to facilitate the work and improve the conditions there during the construction of that great canal. For that reason it has brought in a measure in the form that it is before this House.

In listening to this debate it is difficult to realize the mental point of view of some gentlemen who oppose this measure. They oppose it because it grants to the Executive, the President, large authority in the zone in connection with this Government. It seems to me they must realize that if this bill fails there will yet remain upon the zone and controlling its people a larger authority, which they denominate as usurpation on the part of the President. Your committee has realized that it is best to legislate by the legislative branch of this Government. We believe this Congress should lay down the policy of the Government for governing its territory and possessions wherever they may be, and that our people should realize that legislative control should prevail and that executive domination should cease as soon as possible. It is for that reason that this bill is drafted to create a legislative government for the Isthmus of Panama, instead of an executive government, which exists now. We prefer that there should be a legislative government, constituted by Congress, controlled by Congress, upon rules laid down by Congress, rather than a government laid down and carried on by executive will only.

Mr. Chairman, during the past few years men have been tried for their lives and sentenced to death under executive order, a condition that is intolerable to American civilization and that ought to merit legislative action. There ought to be some form of law created by that department of government whose duty it is to make law which shall provide the procedure with reference to such affairs. It is for that reason this bill has been framed; and it is a remarkable thing that Members rise upon this floor and try to defeat a measure like this, when we try to constitute a legislative government upon legislative rules and substitute legislative proceedings in place of what they denominate a usurpation, when they know that that usurpation will continue if this bill be not passed.

Now, Mr. Chairman, unless some such measure as this pass, the construction of the canal will be impeded in various ways, its officers must be engaged upon frivolous duties instead of attending to the more important duties, and the only method of establishing law upon the Isthmus must be by an executive order of the President. It is the only way it can be done now under existing conditions. We want to improve conditions and make them the best possible for the construction of the canal. This bill does change by providing officials on the Canal Zone whose official duty it shall be to study conditions; and remember that conditions change rapidly. A force of men who may be on the northern part of the canal to-day may be on the southern part of it a week from to-day. A condition that re-

qures legislative action to-day at Colon or Christobal will change entirely in three months and need another legislative act in order to meet the then existing conditions. No one would pretend that sort of new and speedy action could be done by act of Congress. We know how difficult it is to legislate for little matters of this kind in this District of Columbia, to govern one of the most important cities of the United States. We have tried in vain to pass a penal code through this House. But this little territory is 2,000 miles away, with only six or seven or ten thousand white people and 30,000 colored people dependent upon conditions of this act, and we are asked to set aside some of our valuable time for the purpose of legislating for the petty details of government down there. The very mention of that thing to people intrusted with the important duty of legislating in this House ought to be sufficient to convince them that we are adopting the right course to facilitate the construction of that canal—to fit the laws we make to meet the conditions as they actually exist and need remedy.

Now, this sort of government is temporary in its nature. It is not designed to be permanent. The conditions fluctuate and will change as long as the canal is under construction. When the canal shall be completed and conditions become more permanent, then we can take up the question of what ought to be the permanent government for that canal strip. Nobody can foresee now what kind of a government ought to fit the conditions then. Nobody can now study it. What we are trying to do is to have a form of government that will assist the executive officers in this work of construction right now.

Now, what do we do? The first thing we provide is that the President is charged with the duty of legislating, by means of officers whom he appoints. That has been often done in our history. He appoints executive assistants down there and these officials will be constantly at hand. They are charged with the great work of constructing that canal, and in the process of doing that work they can incidentally carry on this government by making the proper legislative decrees, orders, or acts, whatever they may be.

There is one thing we do by this bill, to which we call the attention of this committee and the House. We make the courts independent of the canal government. At the present time the judges are appointed by the commission, or in whatever way they may arrange it. We provide that this circuit judge, who is to take the place of the three circuit judges now in office, shall be appointed by the President and confirmed by the Senate, and shall be entirely independent of the local government to preserve the rights and welfare of American citizens there. Now, there has been some criticism of the fact that we have abolished the system of three judges, and that we provide for only one. That is done because there is very little legal business on the zone. The report for 1908 shows that there were only 17 sessions of the supreme court, and only about a dozen or 15 cases were considered. The circuit court had only about 82 civil cases for the year in the whole zone. There are less than 10,000 white people there, and the others have no litigation at all. There never can be but little civil litigation there. It is practically all criminal, and the bulk of the cases are petty. One judge will have hard work to spend one-third of his time in doing the work there on the zone, if he has it all to do. Any Member on the floor will realize, from his own experience in his own district, how much judicial work there would be among 10,000 white people who do not engage in active personal business of their own, but who are employed upon a great enterprise like that. There will be very little litigation.

Now, Mr. Chairman, it is evident to everybody that if we have highly paid judges on that zone, with nothing on earth to do, it is a demoralizing spectacle to the other men on that zone who have work to do and who are not paid as much as those judges. For that reason, for the purpose of doing away with that scandal that now exists in having three judges there where one is more than is necessary, for the purpose of averting that source of scandal, we have abolished these three judges.

The CHAIRMAN. Pursuant to the order of the House, general debate has expired, and the Clerk will read the bill by sections under the five-minute rule.

The Clerk read as follows:

SEC. 2. That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President or such person as the President shall from time to time designate, detail, or appoint, and shall be exercised in such a manner as the President shall direct for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion; and all orders and regulations with respect to the government

of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

Mr. DRISCOLL. Mr. Chairman, I offer an amendment.

Mr. HARDWICK. I desire to move to strike out the section, and I believe that is preferential.

The CHAIRMAN. The amendment offered by the gentleman from New York [Mr. DRISCOLL] would have precedence if he desires to perfect the section. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 24, strike out "or" and insert "and," so that it will read: "The President and such person or persons," etc.

Mr. DRISCOLL. My opinion is that the President does not divest himself of the power, but that it is vested in the President and such persons as he may designate.

Mr. MANN. That matter was considered in the committee and we were inclined to think, and so was the counsel for the canal commission, that the word "or" in this case, was better than the word "and" and would give the power to the President to confer this authority upon other persons, whereas the word "and" would require both the action of the President and the other persons.

Mr. DRISCOLL. It strikes me that he may have the power and confer the authority.

Mr. MANN. I will ask the gentleman whether this happens to be a thought that comes to him now, or whether he has deliberated over the question?

Mr. DRISCOLL. I have deliberated over it for an hour or two.

Mr. MANN. As originally prepared, the word "and" was in the section, and that was stricken out and the word "or" was inserted intentionally; because it was thought that the President might desire, instead of exercising this power himself, to confer it upon some officials in the Canal Zone, and in that case it ought not to be required that he should join with them in the law.

Mr. DRISCOLL. If the committee have considered it and still stick to the opinion that "or" is the better word there than "and," I will be satisfied to defer to their opinion, although I beg to differ with them.

Mr. MANN. I base my opinion somewhat on the opinion of Mr. Rogers, counsel for the canal authorities, one of the best lawyers in the country.

Mr. DRISCOLL. If the gentleman wants me to withdraw the amendment, I will do so.

Mr. MANN. I do not want it adopted.

Mr. DRISCOLL. Mr. Chairman, at the suggestion of the gentleman from Illinois, I will withdraw the amendment. I want to ask one further question. On line 8, page 3, it says "without prejudice to the power to revoke the same." In whom is the power vested, in the President or in Congress?

Mr. MANN. It is vested in the President. Of course, Congress retains control at all times. We could not divest ourselves of the power. Here is what we wish to do: We permit by this act the laws to be put in force. We do not wish to say that they are confirmed so that they can not be amended, and without that provision, when we have confirmed the laws, that would be an act of Congress that the President could not change, and therefore we leave it subject to be amended or revoked as the situation may require. Congress could not divest itself of authority to amend the act. This is a power left to the President and to those persons whom he may designate to exercise legislative power.

Mr. DRISCOLL. Frequently when Congress makes a grant it reserves the right and the power to amend, repeal, and so forth.

Mr. MANN. That is in relation to private grants. This is a public law.

Mr. HARDWICK. Mr. Chairman, I move to strike out the entire section. I do not know that I can add anything to what has already been said, but I would not feel right if I let this occasion pass without expressing my sentiments on this iniquitous measure, as I look at it.

Mr. Chairman, five years ago, I think, when I first became a Member of this body, I remember that one of the most forceful speeches I heard on the floor fell from the lips of my distinguished friend from Iowa [Mr. HEPBURN], who, in presenting a bill of this character to this House, stated that he presented a proposition for the temporary government only of the Canal Zone. The gentleman referred to the Louisiana case as a precedent, and it was a fair conclusion from his remarks that his committee would not require a longer time than was taken in the Louisiana case to make a reasonable investigation and report some system of laws for the government of this Canal Zone.

Five years have elapsed from that day to this, and yet we are now right where we were then. The same committee comes in here with another proposition for temporary government, to bridge over a temporary emergency.

Now, Mr. Chairman, the most remarkable arguments I ever heard in my life are advanced in support of this proposition by gentlemen who advocate it on the floor of the House. The gentleman from Illinois [Mr. MANN] says that unless we vote for this bill we are voting for chaos and disorder, and, according to the view of some of us, governmental usurpation on the Isthmus of Panama.

If the distinguished occupant of the White House were to seize the reins of power at this moment and assume dictatorship over this entire country, the argument would be exactly the same, and if some gentleman would rise and move that Congress pass a resolution ratifying the action of the President in assuming to be dictator over this country, it would not be a vastly different situation than for gentlemen to tell us here today that unless we vote to give the President this extraordinary power he will exercise it anyhow, as he has been doing, without authority of law.

Now, Mr. Chairman, it strikes me that this is a clear abrogation of congressional duty. Under the treaty under which we acquired it, the Canal Zone is as much a part of the territory of the United States of America as is Alaska, as is Arizona, as is New Mexico, and it is just as much our duty to provide some civil government for the territory we acquired under that treaty, and by virtue of its terms, as to provide for the government of any other Territory in the United States.

For one, I am now and have always been and will be forever opposed to executive lawmaking. I would not favor a proposition that the governor of my own State should make the laws under which my people are to live. I would not favor a proposition that the President of the United States should make the laws under which the citizens of the United States are to live. I do not want to vote for any bill or any section under which tens of thousands of American citizens who are on the Isthmus engaged, it is true, in the government service and in public works, but none the less American citizens, may be tried under the laws framed by executive order. Never can I support such a proposition.

I want laws made according to our Anglo-Saxon theory of government, by some lawmaking body, by the Congress of the United States, by our state legislatures, and in no case by the executive, national or state. It is undemocratic, it is not right, it is not just, for gentlemen on the Interstate Commerce Committee to go on for five years without providing any system of government, when they are as thoroughly familiar with the conditions on the Isthmus of Panama and in the Canal Zone as they are with the conditions of any State in the Union, and then seek to pass a drastic, revolutionary measure of this character on the specious plea of "temporary necessity and pressing emergency."

Mr. HARDWICK. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. HARDWICK. Mr. Chairman, I shall not use even the five minutes, but I want to say this: I am earnestly opposed to this bill. It is autocratic. The Czar of Russia never had in his palmy days greater powers than it is proposed to give to the President of the United States, and not even temporarily, if gentlemen will take time to read the provisions of section 2 of this act. I do not believe in autocratic government. I do not believe in one-man government. I believe the Congress of the United States is here to legislate for the people of the United States, for the government of its territories, and for the regulation of the inhabitants of those territories and of everybody who happens to go to them, and I do not see why, after five years of continual and constant visiting, junketing trips, this particular committee and the Members of this House are not competent now to deal with this question, instead of just coming to us and saying, "You must turn it over to the President of the United States, because if you do not, he will take it anyhow." [Applause on the Democratic side.]

Mr. HARRISON. Mr. Chairman, I hope that the amendment of the gentleman from Georgia will prevail. In my opinion this is the most obnoxious feature of the bill. I further believe that it is unconstitutional. The original founders of this Republic intended that we should keep separate the three branches of the Government; and yet this specifically hands over to the executive branch of the Government the sovereign power given to the legislative branch, namely, the right to make the laws. The advocates of this measure maintain that the reason why

we should give this power to the President is that we do not know enough about the conditions of the Panama Canal Zone to make the laws ourselves. In the name of common sense, why, if we do not know enough to make such laws, should we turn them over to the Executive and ask him to make them? I believe that the Congress of the United States has never descended to such depths of self-abnegation as this measure proposes. The gentleman from Arkansas [Mr. ROBINSON], in answer to my argument, maintains that if we were not to pass this measure anarchy would obtain on the Canal Zone. It is the duty of the President, Mr. Chairman, as Chief Executive, to see that anarchy does not prevail in any of the Territories over which the United States has control. It is his duty to see to the enforcement of the police and sanitary regulations on the Panama Canal Zone and elsewhere where he can exercise similar control. But it should not be put in his power to pass such laws as he has been attempting to establish by executive order upon the Panama Canal Zone, where he has abolished of his own volition the laws already established through the instrumentality of the Panama Canal Commission. He abolished all forms of local self-government, and made a more complete autocracy than has ever been fixed upon American soil, an autocracy which would have made envious a pro consul of Rome in the days of the decadence of the Roman Empire. Mr. Chairman, there is enough law down there now to maintain the status quo. The Committee on Interstate and Foreign Commerce should bring in a bill to establish a complete form of civil government for the Panama Canal Zone. I see no reason why they have not done it. They have had six years since the ratification of the treaty by which we obtained practical sovereignty over this strip, and yet, in spite of that, they still claim that we do not know enough to make the laws for this Panama Canal Zone. I hope the amendment offered by the gentleman from Georgia will prevail, and that the committee will, at least, strike out this obnoxious provision of the bill. [Applause on the Democratic side.]

Mr. HEPBURN. Mr. Chairman, I think that after reflection the gentlemen who have last spoken will somewhat modify their views and will conclude that this proposition is not "undemocratic," that it is not "unconstitutional," and that the government that has been established there is not "that of a pro consul of Rome." I am quite sure they will think so because there is some very excellent precedent for just this kind of government, and that precedent was established by men who were supposed at the time, and for many decades after the time, to be excellent Democrats, and the precedent was established at a time and by Congress when there was a large number of its membership who had been either contemporaneous with the adoption of the Constitution or members of the constitutional convention or those who had participated in the discussions that led to the adoption of the Constitution, and who might well be supposed to know what was within the power of the Congress and what was within the domain of democracy. The precedent that I call attention to I will read:

SEC. 2. And be it further enacted, That until the expiration of the present session of the Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. HARRISON. Will the gentleman yield for a question? Mr. HEPBURN. Not just now—later. Mr. Chairman, Thomas Jefferson signed that bill and made it a law. It was Democratic doctrine. It was by a Democratic Congress, and yet it gave to the President every power that is conferred on the President of the United States by the bill now before this body.

Who talked then of the "pro consuls of Rome?" Who talked then of its being un-Democratic and not in harmony with the institutions of the Republic? Who talked then about its being unconstitutional and an usurpation of power, a bestowal of power far beyond the domain of the Congress? Ah, gentlemen, it was constitutional then, it was Democratic then, it was benign, it was beneficent—

Mr. HARRISON. Mr. Chairman, will the gentleman from Iowa yield?

Mr. HEPBURN (continuing). It was for the purpose of preserving the liberty and the religion of the people—

Mr. HARRISON. Mr. Chairman, will the gentleman now yield?

Mr. HEPBURN. Not now; not now. [Laughter.]

Mr. HARRISON. I beg the gentleman's pardon.

Mr. HEPBURN. Mr. Chairman, these gentlemen have either forgotten their history or they have changed their politics and their constitutional views. Which is it? Mr. Chairman, this bill is perhaps not all that the gentlemen would have made it;

but if they were familiar with the situation, if they knew of the conditions in the zone, if they knew of the needs of government they would be content, I think, with this—that is, when they became satisfied that it was constitutional and that it was Democratic, and that that arbitrary power vested was not that which would be given to a “pro consul of Rome.” Mr. Chairman, the people there are there for temporary purposes. There is no reasonable probability that any large number of the 30,000 inhabitants of that zone will be there ten years from now. The probabilities are that the population will be very scant, and the type and form of government that will be needed then entirely unlike that which may be needed now. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, it was my purpose to have discussed this bill under such circumstances as would have given me an opportunity to have entered into the details of the bill to discover, if I could, whether or not there were any merits in it; but being cut off from that privilege I will occupy a moment in answering, if I can, the question just discussed by the gentleman from Iowa. I have heard it here on this floor before today and in former times that we were legislating with reference to the Canal Zone and not with reference to some of our Territories, and that in so doing we were following the precedent of the act that was passed in 1803 purely to enable the President of the United States to take possession of the Louisiana Purchase. That act was passed October 31, 1803, to enable President Jefferson to take possession of the recently acquired Louisiana Purchase under the treaty of Paris of date of April 30, 1803. Now, my distinguished friend from Iowa read a part of section 2 of that act, and it confers no shadow of power on the President of the United States akin to that proposed by this bill. [Applause.] It never was intended to confer on him legislative power of any kind, and then the gentleman asked a question as to who questioned the constitutionality of that proceeding. The answer is, History gives it that Thomas Jefferson did that very thing. He questioned not only that, but he said in a communication that it was necessary, in order that the purchase might be obtained under the Constitution of the United States, that it should be amended to make it legal. [Applause.]

Section 2—I have not time to read it—simply confers, under the act passed October 31, 1803, on the President the right to take possession of the territory recently acquired of France and to allow it to be governed by the same officers under the same laws that it was governed under the Spanish possession. And it was temporary, purely temporary, and it was soon superseded or repealed. This act was passed October 31, 1803. The treaty of Paris bears date April 30, 1803. The next act was passed March 26, 1804, when less than a year had elapsed from the passage of the first act. Difficulties had arisen which hastened the later legislation by Congress. Thomas Jefferson found difficulty in getting possession of even a small part of the great Louisiana Purchase, and an act was passed March 26, 1804, to aid him further in acquiring possession of territory and to enable the laws of the United States to be applied and be made to effectively apply to the government of that territory. The last act—section 4—provided for the appointment of a governor of the territory, conferring upon him pardoning power and the executive power to administer the laws. It provided also for a legislative branch to be organized to make the territorial laws, all of which were required to be submitted to the Congress of the United States before they became effective. And this is the precedent they say is followed in this bill. I quote from section 2 of the bill:

That, subject to the provisions of this act and until otherwise provided by Congress, all the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act shall be vested in the President, etc.

There is nothing of that kind in the laws relating to the government of the Louisiana Purchase, but if the bill stopped there there might be some reason conjured up in the minds of constitutional lawyers. I do not believe in authorizing the President of the United States to make any law that binds the United States, whether it relates to a Territory or anything else. [Applause.]

The Constitution of the United States, paragraph 2, section 3, Article IV, gives exclusive power to Congress to legislate for the Territories. It reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories or other property belonging to the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. Mr. Chairman, I would like to have five minutes more time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Let me read further from where I left off:

Shall be vested in the President or such person or persons as the President shall, from time to time, designate, detail, or appoint.

Any fellow that he might catch along the canal or anywhere can be authorized under this provision of the bill to make a law for the government of all the people within the Canal Zone that are subject to the control of the Government. These lawmakers, those who are detailed, are not to be appointed by and with the advice of the Senate of the United States. They are to be lawmakers in lieu of the constitutional legislative body of the United States already quoted, and are to be held responsible to nobody.

Is there any precedent for that in the law relating to the Louisiana Purchase? I regret that I could not have discussed this bill in detail some, but I will read the last clause of section 3, keeping in mind this wonderful legislative power given to the President of the United States and any of his appointees, wherever they may be.

It says, and I read from the bill:

Authority is hereby given for the procurement, use, and maintenance of each and every thing necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

When my friend from Minnesota [Mr. TAWNEY], the chairman of the Committee on Appropriations, would rise to make a point of order against an appropriation relating to the Panama Canal because it was not authorized by law, the mover would point to this paragraph and say that about everybody under this was authorized to do whatever he pleased, contract any obligation he chose, and involve the Government into whatever he wished, even to the power of changing the plans of building the canal, and all appropriations that were for such things as that would be in pursuance of law.

A word as to the courts. First, as to the jury. I wish my distinguished friend from Iowa [Mr. HEPBURN] would read the provision of the act of March 26, 1804, providing for juries and how they were to be selected, and then see if that is a precedent for saying that every person guilty of felony shall be tried by an “impartial jury,” as this bill only says. The Constitution of the United States, paragraph 3 of section 2, Article III, says that “the trial of all crimes, except for impeachment, shall be by jury;” but they have cut the constitutional provision in two and found a class of people only who are entitled under it to trial by jury, and then does not provide how we are to get a jury. But they leave that to be worked out, because they can call Bill Jones or somebody from some place down in the Culebra cut or elsewhere and tell him to make a law on the subject and put it in force and have an impartial jury.

These are only some of the smaller objections I have to this bill. The particular one I can not now discuss, and that is the objection to destroying a great, perfectly working system that is building the canal under the engineers and that will succeed if we do not destroy that commission and institute in place of it that which is utterly and wholly impracticable. [Applause.]

Mr. RAINEY. Mr. Chairman, I want to add my protest to this legislation, no matter where the precedent for it can be found, and I undertake to say that the gentleman from Iowa has not found in the act of 1803 any precedent for legislation of this character. In those early days of the Republic Congress was not as well equipped to discharge its duties as it is now. In those early days of the Republic, when self-government was considered something of an experiment in the western world, when a young nation was feeling its way in the dark, through forests and across rivers toward the western sea, some excuse could be found for delegating temporarily to the Executive authority to govern in a military way a vast and newly acquired territory about which nothing was known.

I remember, however, that for the first fifty years of the life of the Republic one great party maintained a consistent fight against the exactions of the Executive. At the present time the fight seems to be abandoned, and we continue thrusting more and more power upon the President. One hundred and five years ago Members of Congress were not supplied with secretaries. They did not receive the salary and the mileage they receive now. They were not supplied with offices in a palatial building. At the present time they have all these things, and every time this body increases its salary, every time we increase our perquisites, we surrender more and more the functions of this Government to the Executive. This is the most absolute surrender of all. If we continue on our present career, it will not be many years, perhaps about the time Members of this body receive a salary of \$10,000 a year, we will have surrendered to the Executive everything. We will then come here and stay with nothing to do except draw our salaries

and distribute garden seed. [Applause.] It is time that the Members of this body did something besides clerical work to earn the salaries they receive.

The only excuse for this legislation is that we can not do it; that we do not have time; that Congress can not examine into these conditions; that many men can not do what one man can do; and therefore we shirk these responsibilities and shoulder upon the Executive all these additional powers. [Applause.]

Mr. HEPBURN. Mr. Chairman, I move to strike out the last two words. I do not know whether the distinguished gentleman from Ohio intended to accuse me of misreading the section of the statute.

Mr. KEIFER. Oh, no; you did not read it all.

Mr. HEPBURN. I read it all; every word of the section. Mr. Chairman, I want to correct the gentleman from Ohio's history with reference to the section which I read, on the powers that were conferred. There never was a proposition on the part of Mr. Jefferson or anybody else to grant other authority in a constitutional amendment. The amendment to the Constitution which was sought by Mr. Jefferson, not once but twice, and possibly three times, was to validate his act in the purchase of Louisiana, not his acts in its government. He did not question the authority of Congress to bestow upon him the power that he exercised. And I assert now that there is no substantial difference between conferring the power in the section that it is moved now to strike out of this bill and in section 2 of the act of October 31, 1803. There is a substantial grant in that act of every power that is sought by this bill to vest in the President and the agents that he may select.

Mr. KEIFER. Will the gentleman allow me?

Mr. HEPBURN. In a moment. Further, Mr. Chairman, in that act that I have read from, of 1803, there is no reference to confirmation by the Senate. Why does the gentleman, in distinguishing between the two acts, comment upon the fact that in the bill we have introduced there is no power granted to the Senate to confirm? The bills are alike in that particular. Now, Mr. Chairman—

Mr. KEIFER. What I said was that in this act absolutely there was no legislative power conferred upon the President or anybody else. It says:

All the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

There is nothing said about creating the courts by the President, but only by carrying out the law by the old officers of old legislation.

Mr. HEPBURN. Mr. Chairman, I read that. And let me call the attention of the gentleman to the language that he does not seem to understand, although I have read it to him and he has read it himself. [Laughter.] I again read from the act of 1803:

All the military, civil, and judicial powers—

Can you think of any other power?

Mr. KEIFER. Yes, sir.

Mr. HEPBURN. The military power, to control the army and navy; the civil power, the power to make laws; the judicial power, to interpret and execute them. That is the power to govern, Mr. Chairman, and the effect was to include all the powers that could be exercised or were necessary for the government.

Mr. KEIFER. There is nothing said about legislative power.

Mr. HEPBURN. There is civil power.

Mr. KEIFER. Civil power does not mean legislative power.

Mr. HEPBURN. Does not that include legislative power?

Mr. KEIFER. "Exercised by the officers of the existing government of the same."

Mr. HEPBURN. All of the officers—the legislative officers, the judicial officers, the military officers; all the officers. I can conceive of no power that was not conferred upon the President of the United States.

What are the probabilities of the purposes of the Congress in this granting of power? Is it to be supposed that they granted a part and withheld a part, that they used this particular language, and yet in their intent there was a reservation of some power not expressed? Is that the way that laws in those days were enacted? I take it not.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Iowa has read section 2 of the act of October, 1803, twice, but he has twice emphasized the wrong part of it. That acts reads:

Be it further enacted, That until the expiration of the present session of Congress—

And by the way, I want to say in that connection that after that law expired Mr. Jefferson would have been the last man

in the world to have arrogated to himself the power or right to extend it. He never did, and the Democratic Congress was not derelict in the performance of its legislative duty, but did do what it held out to the country the hope that it would do, to wit, constructed a frame of government for the Louisiana territory. But let us go on—

unless provision for the temporary government of said Territory be sooner made by Congress—

Now listen to this—

all the military, civil, and judicial power—

What military, civil, and judicial power?

Exercised by the officers of the existing government—

That is the language of the Jefferson Act. What is the language of this act?

All the military, civil, and judicial powers of the United States.

The practical operation of the Jefferson Act was merely to invest in the Executive of the United States the power to carry on the government there as it then existed. Mr. Jefferson never made a law for Louisiana. He never construed a law for Louisiana. The act merely conferred upon the President the power to see to it that the existing government exercised its functions through proper officers, and the power to appoint suitable and loyal men as officeholders to exercise those functions in the Louisiana territory, instead of those then exercising the power, if the President chose.

To read the Jefferson Act further:

All the powers exercised by the officers of the existing government shall be vested—

Where?

In such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting—

And so forth.

In other words, Louisiana was left under the existing government that had come through French and Spanish rule, and that act conferred upon the President of the United States the power to appoint Americans if he chose, or anybody, to exercise those powers. That is all. The powers were already existent. They were not created by the act, nor was the President empowered by the act to create a government, nor to make laws. The practical operation of the act was merely to give to President Jefferson the power to appoint officeholders in the Louisiana territory. I say again, what is substantially a repetition, that it is almost blasphemous to compare the provisions and intent of this act with the provisions and intent of the act to which I have referred—the so-called "Jefferson Act"—act of October, 1803. That act bore plainly upon its face—coming to the intent now—a mere temporary intent, an intent to prevent anarchy until Congress could act, and, moreover, to prevent anarchy by the maintenance of existing institutions. No wonder, then, that no one called its constitutionality into question.

This act offered here to-day bears upon its face the intent to legislate permanently, or more or less nearly permanently, into existence a condition of autocracy upon the Canal Zone. This act, without any period of limitation fixed in it—indefinite, if not perpetual; perpetual unless repealed—gives to the President of the United States judicial, legislative, and executive power; the power to make and amend laws.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I ask for a few minutes more.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes, and that debate upon the section may close in ten minutes.

Mr. COCKRAN. Do you mean ten minutes after the gentleman from Mississippi concludes, or do you mean ten minutes including his five?

Mr. MANN. I will say twenty minutes.

Mr. HARRISON. Does the gentleman mean thereby to shut out amendments?

Mr. MANN. It would not shut out amendments. It would shut out debate.

Mr. HARRISON. Debate on the amendments? Then I object.

Mr. MANN. Then I move that debate on this section and all amendments thereto be closed in twenty minutes.

The CHAIRMAN. Does the gentleman from Illinois desire that motion put now, or after the conclusion of the remarks of the gentleman from Mississippi?

Mr. MANN. I will not press that motion; but I should like to call the attention of the House, if I may, just for a second, to this proposition: This bill is up to-day. If it is to be passed at all it is to be passed to-day. We have the time before us,

and if gentlemen prefer to spend all the time on this section of the bill it is the privilege of the House.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi may proceed for five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS. Now, Mr. Chairman, the act of October, 1803, vested no power in the President of the United States at all except the power to appoint people to "exercise" the powers of an existent and ascertained government. Here is another very marked difference, and it is in two words, but it is great. The language of the act of 1803 is, after reciting the power:

Shall be vested in—

Whom?—

In the President of the United States or such person or persons.

In such person or persons. That is the language there. The language of this act is:

In the President of the United States or such person or persons,

And hence the President of the United States can sit here in Washington and execute and construe and make laws upon the zone. Why did the gentleman insert those three words, "the President or?"

The whole purpose of the act of 1803 was to enable the President to appoint persons who should exercise the functions of an already prescribed government in the Louisiana territory. The object of this act is to confer upon the President himself and upon others, merely his lieutenants, all of these extensive powers, judicial and legislative. That is not all. The Jefferson Act stops right there with the words the gentleman from Iowa has read and that I have for the most part reread. I will read the balance unread by me, so that you can see there is nothing relevant to this discussion in it:

As the President of the United States shall direct for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of liberty, property, and religion.

Did that act give President Jefferson power to amend laws?

But at the tail end of this act which we are now considering come these words:

And all orders and regulations with respect to the government of the Canal Zone heretofore enacted by the President or pursuant to his directions or authority are ratified and confirmed, without prejudice to the power to revoke or amend the same.

Not only are we called on to ratify executive usurpation in order to give Mr. Roosevelt a "clean bill of health," but after we are through ratifying it we are to give him additional power to "amend" the very legislation which you yourselves enact in this bill by ratifying it—"subject to the provisions of this bill." What does the bill do? Ratifies the legislation already had by executive pronouncement. What else does it do? Gives the President power to amend the legislation already had, ratified by the bill and thereafter adopted by Congress.

Mr. Chairman, as far as I am concerned, I have had a great deal of difficulty in making up my mind as to how I would vote on this matter. I admit that the conditions to be created by this bill will be infinitely preferable to the conditions that now exist, but at the same time the conditions to be created by the bill are so absolutely insufferable, intolerable, and, in my opinion, violative of every democratic and constitutional principle that I can not even swallow them as a sweeter dose than the others. [Applause on the Democratic side.]

I have been trying to make up my mind to stand by friends on the committee whom I know so well, whose love of duty I know so well, and I have been trying to get my consent to vote for the bill as a better measure than the conditions that we have now. But I do not see how I can reconcile my conscience to a breach of my oath to the Constitution in order merely to prevent the President of the United States from indulging in further breaches of his oath to the same instrument. [Applause.]

It seems to me that with this section in this bill I can not vote for it. It does not seem to me that anybody can who wants to walk in the pathway that our people over here and your people over there, for the most part, have blocked out as the American and constitutional pathway for the progress and glory of the American Republic. [Applause.]

Mr. COCKRAN. Mr. Chairman, the remarks of the gentleman from Mississippi [Mr. WILLIAMS] must simplify the question before this committee and facilitate the Members in reaching a right conclusion. As representatives of the people, sworn to defend the Constitution and to vote for the best system of laws attainable, it seems to me his conclusion that the system proposed by this measure is an improvement on the one it is intended to supplant should settle for those of us who agree with him discussion as to the action we must take now, though it may leave a wide field open for speculation as to whether a system still better might not have been submitted to us.

That a better system of government or administration might be devised I think everyone will admit. That a better system ought to have been devised everyone on this side will contend. But that we should defeat a measure which admittedly will vastly improve actual conditions merely because the improvement does not go so far as our own aspirations—does not fully satisfy our conception of what is necessary to make the situation entirely satisfactory—would be, in my humble judgment, little short of disloyalty to our obligations.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield for a question?

Mr. COCKRAN. Certainly.

Mr. WILLIAMS. Suppose the improvement involves and holds in itself a breach of fundamental principles and of constitutional law, no matter how bad a thing it is taking the place of?

Mr. COCKRAN. Mr. Chairman, I would most respectfully suggest that, according to the gentleman's own statement, we are confronted with two breaches of the Constitution, one actual and exceedingly vicious, the other threatened, but less vicious; and as between a breach of the Constitution that is wholly vicious and one that is less so, I believe we should act so as to keep vice at the minimum, even if we can not reach perfect virtue. [Applause and laughter.]

Mr. Chairman, let me say to the gentleman from Mississippi [Mr. WILLIAMS] and to my friends on this side that it seems to me much confusion of thought is likely to flow from attempts to consider the measures taken in 1803 for the government of Louisiana as at all analogous to the measure proposed now for the government of the Panama Canal Zone. The two enterprises are wholly different, radically irreconcilable. One can not furnish a precedent for the other. They can not be discussed as kindred subjects. Louisiana was acquired reluctantly, but taken for the express purpose of erecting States from it—a vast territory upon which our experiment of government (for it was then but an experiment) could be tried on a broader scale. Every measure passed with relation to its government was adopted with that end in view.

But, Mr. Chairman, we are not now contemplating the establishment of a government for territory that may some day become a State of this Union, or several States. We are engaged in prescribing conditions under which a great enterprise of improvement and commerce shall be constructed. We are discussing the care of a strip of ground 10 miles wide, taken not for the purpose of political experimentation, but solely for the purpose of constructing a canal. The principles of government applicable to communities with large populations permanently occupying the soil, whose complex interests must be served, whose diverse callings and occupations must be protected and regulated by a system of laws, can have little or no application to an enterprise where the acquisition of a narrow territory is but an incident to a superior purpose, which is the construction of a canal. It is rather the management of a contractor's yard than the establishment of a government for which we are making provision. Sir, this territory was taken against my judgment.

I do not believe the method by which we seized it was creditable to our diplomacy or to our fame. But we have it. No one now contends that we could get rid of it either with honor or advantage. No one believes a proposal to get rid of it would be feasible. It is ours irretrievably and we can not escape the duty to provide for its management and government.

Mr. WILLIAMS. Mr. Chairman, before the gentleman leaves that part of the discussion and goes into what he is now beginning to say so well, and with which I agree with him, does not the gentleman recognize that there is not one problem but that there are two problems; one the construction of a canal, which is purely physical, and the other the government of the people, which is political and social, and that the two ought to be divorced from one another?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of Georgia. I ask unanimous consent that the gentleman be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCKRAN. Mr. Chairman, I concede that to some extent the proposition of the gentleman is entirely correct. There are two aspects to this matter. But the dominant purpose for which this land was taken and for which it is held is not the government of its inhabitants, but the construction of a canal, and it is this dominant purpose that should govern the legislation we are to enact. But even in its political aspect, the gentleman from Mississippi [Mr. WILLIAMS] knows full well that of the whole population there are not more than four or five thousand whom he would consider fit to be intrusted with power to exercise control over government. There are thirty-

five or forty thousand people there who would be incapable of exercising the suffrage with advantage to themselves or safety to the Government.

Mr. WILLIAMS. Then do not qualify the unfit as voters.

Mr. COCKRAN. Well, sir, upon that proposal I am unwilling to admit that I could ever be induced to take part in establishing a government nominally representative where any considerable number of human beings are unfit for a share in controlling it. I might, under certain circumstances, find myself compelled to accept conditions produced by a current of events which I could not control; but I will never deliberately aid in organizing a government nominally constitutional where the essence of it is contempt or distrust of a vast majority of the governed. If we are to organize a government in this territory according to the constitutional principles underlying our own, then, in God's name, let us create representative bodies with universal suffrage and a constitution securing to every inhabitant the right to vote for the officers who will administer it, and the representatives who will frame the laws under which he must live. The gentleman from Mississippi has not, nor have I, nor has this Congress, any God-given right to fasten a government on anyone, however humble we may conceive his intellectual attainments to be, merely because we consider it would be better than he himself could establish. [Applause.] But we must deal with conditions as they are, not as we might wish them to be. There is no population in this Canal Zone capable of maintaining representative institutions.

We must have order and we must arrange some form of government to maintain it. I believe, therefore, we are justified in adopting the measures now pending before us on the ground of imperious necessity.

Mr. WILLIAMS. Mr. Chairman, the gentleman from New York has misunderstood the "gentleman from Mississippi." I merely suggested to him in a side remark I made that if there were people upon the zone incapable of voting, not fit to vote as he said there were, they need not be qualified as voters, and the balance of the people being fit and qualified could and would govern the territory. I believe America is about prepared now to say that no man ought to vote who has not at least that degree of intelligence shown by the fact that he can read and write. Of course, I would not have the horde of ignorant and illiterate Jamaican negro laborers, who are after all floating and temporary residents and British subjects to boot, vote.

Mr. COCKRAN. Mr. Chairman, I am one who most emphatically denies that. I believe there is no safety for this Republic except in absolutely universal suffrage [applause], and I think the experience of this world does not show that it has been the educated and the cultivated always who have been the most virtuous or the most intelligent at the ballot box.

But, Mr. Chairman, I desire to remind the gentleman from Mississippi [Mr. WILLIAMS] that he is not proposing by the suggestion embodied in his question to disqualify merely a few persons in this territory—so few that they might be considered a negligible quantity. His proposal is to give the suffrage—that is to say, the control—of government to three or four thousand persons, principally, almost entirely, temporary sojourners there, and allow the remaining thirty-five or forty thousand people to be what? Not the equals of those who are admitted to the suffrage, but the subjects of these four or five thousand. And this small class thus vested with power over their fellows nine or ten times more numerous would not be chosen by the votes of the American people or appointed by an American authority to administer the government placed in their hands. They would not be even sworn to observe any rule of law or justice in the exercise of this enormous power. They would not even be known to any American authority, so that their identity could be fixed or determined.

There is but one method of government applicable to this territory, and that is government by force. If we must have a government by force, then let the force be confided to the highest amongst us. Sir, I hold it necessary under these conditions that when such a government is established by the American people as matter of necessity it should be administered by the highest officer in the American political system. It will not be an ideal system of government, but it is the best form possible under the conditions which confront us. The President may not know more of that people or their necessities than we do. You may say we are as well qualified as he to legislate for that territory. That I will admit. But this bill provides for a commission to exercise local jurisdiction, through which the President can be informed of everything affecting the territory and its inhabitants. His action with reference to these interests would then be based on definite knowledge, and we may

presume at least that it would be governed by a conscientious conception of his sworn duty. [Loud applause.]

Mr. MANN. Mr. Chairman, I do not intend to detain the committee but a moment. This is a practical proposition. An academic discussion on government is doubtless interesting and instructive. We are in possession of the Canal Zone. We are constructing a canal. Congress has authorized no form of government there. On one hand the government is chaos, on the other hand at present is an executive government. We can confirm what has been done or we can undertake to enact legislation which has already been enacted, and I hold before you a volume of the laws on the zone, constantly requiring attention, would require the whole session of this Congress, at this rate, to pass and be under consideration every day, constantly requiring amendment. That is one proposition. Can we do it? We all know that it is impracticable. The other proposition would be to set up an elective form of government on the zone. In other words, to have our employees on the zone while there engaged in our work constructing that canal to determine for themselves all about the government on the zone, appoint the judicial officers, who would determine between them and the United States upon the zone. The idea seems to me preposterous. This is but a temporary measure. In 1903 there was a call for a temporary measure. The House responded in the Fifty-eighth Congress by providing a temporary measure governing the Canal Zone. In that same Congress we passed another act almost identical with this act, so far as this House is concerned, without even a division. Now we are called upon to provide there a government under the authority of the Congress, or else an executive government, or else chaos. Which do the gentlemen propose? Will they have the President cease the government there and have chaos while we are constructing the canal? Will they propose to vote against this bill in order to have chaos or in order to have an executive government?

Mr. WILLIAMS. Why not amend this bill now so as to give them government there?

Mr. MANN. Well, if the gentleman from Mississippi had listened to my remarks he would have heard what I said about that. There is no proposition, and there can be none, for a temporary government of the zone elected by the employees of the Government there which will be successful. We can provide that government by the enactment of laws, if we have knowledge enough, but we have not for lack of time. Here is a proposition for the construction of a great work. The men in-charge of that work have charge of the employees. It is provided by the Government that the sanitation of the Isthmus shall not be left to the people who are there to determine; that the colored men from Jamaica shall not determine for themselves whether they shall keep clean or keep out yellow fever; that the men who go from the States down there shall not determine what measures of sanitation shall be taken upon this zone. These gentlemen opposing the bill would give to the employees all this control; but if they do it before the canal is completed, they will be driven out by the fever, by ill health, by sickness, and death, as the French people were driven out. It needs autocratic methods to finish the canal with safety to the Government and safety to the people of the United States engaged upon it. [Applause and cries of "Vote!"]

Mr. KEIFER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. KEIFER. Mr. Chairman, I rise to discuss the question. I will make the motion to strike out the last five words, if necessary. I did not understand debate was limited.

Mr. MANN. Will the gentleman permit me to ask unanimous consent to close debate in five minutes, and I will yield that time to the gentleman?

Mr. KEIFER. I certainly will, but I do not want to shut off anybody else who desires to speak.

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto be closed in five minutes. Is there objection?

Mr. HARRISON. I object, Mr. Chairman.

Mr. MANN. Mr. Chairman, I move that all debate upon the section and amendments thereto be closed in five minutes.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided; and there were—ayes 102, noes 71.

So the motion was agreed to.

Mr. HARRISON. Mr. Chairman, I offer an amendment to perfect the section.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio [Mr. KEIFER].

Mr. HARRISON. Does not this amendment take precedence? A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio has offered an amendment himself, which is in order, and the Chair recognizes him for five minutes.

Mr. KEIFER. I will occupy these five minutes as closely as possible. Wherever I can agree with Members I am going to do it. I can not agree with the distinguished Member from Illinois [Mr. MANN] in charge of the bill, that we ought to violate every principle of government and the Constitution of the United States because there is danger of chaos down on this Canal Zone of 10 miles in width and about 50 miles in length. I was down there with him once, and I went with other Members at another time, and we had no chaos, and we had no trouble. We were all protected and came home safely. The chaos of that time was as great as it is to-day, and we have had five years of that sort of chaos that is to scare us to pass this bad bill for a more permanent government.

I agreed with the distinguished gentleman from New York [Mr. COCKRAN] when he said he believed in universal suffrage, giving all an equal representation and power politically in this Government. But I do not believe, with him, that because we have got a small territory down there that we should legislate without reference to the Constitution or fundamental principles. Otherwise we might say, "Pick up little Delaware, or little Rhode Island, violate the Constitution and wipe them out of existence." But I must pass on and come to others.

I did not, Mr. Chairman, mean to have it understood that I said the gentleman from Iowa [Mr. HEBURN] had misquoted section 2 of the act of October 31, 1803. I did say that I understood he claimed, after having read substantially all of it, or all of it, that it was exactly like an utterly dissimilar part of this bill which I read a few minutes ago. He says that I should be corrected in history with reference to Thomas Jefferson's position in regard to the acquisition of the Louisiana Purchase.

I have not time to go to the books, but Mr. Jefferson, in his own language, stated that his objection to the acquiring of territory was constitutional; but he was willing practically to violate it and take possession under the power of Congress, which he denied under the Constitution absolutely, and asked that an amendment to the Constitution should be adopted for the purpose of making legal what he did when he bought the Louisiana country—more in area than the United States owned prior to that time—of the great Napoleon I, in violation of an existing treaty to return it to Spain.

Jefferson knew all these things; but we wanted the Louisiana country, and we have gotten it. That was the extent of Mr. Jefferson's position. The act of March 26, 1804, that I have referred to before, was a temporary act also, but it provided for a legislative body until they could do certain things and make permanent new laws and by extending the laws, as they did, of the Territory of Indiana over the Territory of Louisiana, covering the whole of the Louisiana Purchase. And that law extended the other and earlier one, the act of 1803, to the end of a session, and only made the act of 1804 extend to the end of that same session of Congress, and it also was purely temporary in character.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAYES, of California, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey, with the view to establishing a harbor at New River, Fla., where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimates of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to protect the same.

Senate concurrent resolution 88.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvement.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7808. An act to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns; and

H. R. 13809. An act for the relief of Charles S. Blood.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ELKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.'"

GOVERNMENT OF THE CANAL ZONE, ETC.

The committee resumed its session.

Mr. WILLIAMS. Mr. Chairman, I want to offer an amendment for the perfecting of a paragraph. It has parliamentary preference over an amendment to strike out.

After the word "and," line 17, page 2, insert the words "until March 4, 1911, or," so that it will read:

Subject to the provisions of this act and until March 4, 1911, or until otherwise provided by law.

So that it may appear upon the face of the act that it is temporary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the word "and" at the end of the line, insert "until March 4, 1911, or," so that it will read: "That, subject to the provisions of this act and until March 4, 1911, or until otherwise provided by Congress," etc.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WILLIAMS. Division!

The committee divided; and there were—ayes 88, noes 85.

Mr. MANN. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 86, noes 96.

So the amendment was rejected.

Mr. MACON. Mr. Chairman, I offer an amendment for the purpose of perfecting the text, by striking out, in line 20, page 2, the word "laws" and the comma and inserting in lieu thereof the word "necessary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "laws" and the comma and insert the word "necessary," so as to read: "Make all necessary rules," etc.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia, to strike out the section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARDWICK. Division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 97.

Mr. HARDWICK. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 110.

So the amendment was rejected.

The Clerk read as follows:

Sec. 3. That the President, through one of the executive departments of the Government, to be designated by him, or otherwise in his discretion, shall cause to be excavated and completed the Panama Canal; and he is hereby authorized, in his discretion, to appoint, by and with the advice and consent of the Senate, one director and one chief engineer of the Panama Canal, and one governor of the Canal Zone, and from time to time to fix their compensation, duties, powers, and relative jurisdiction until such time as Congress may by law otherwise provide, and the same person may be appointed to any two of such offices; and the President may remove any of said officials at his pleasure. And the President is further authorized for the purposes described in this act to detail, appoint, and employ, or provide for the appointment or employment of such persons with such duties, powers, jurisdiction, and official designations as may from time to time be deemed necessary, and to dismiss or provide for the dismissal of the same; and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same. Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Authority is hereby given for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of said canal from deep water to deep water.

Mr. RAINEY. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "to" and before the word "detail," in line 23, page 3, the following: "by and with the advice and consent of the Senate."

Mr. COCKRAN. I would like to have that amendment repeated.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. RAINEY. This amendment, Mr. Chairman, only removes a part of the evils in this section. Under the section just read the President of the United States can appoint a director, a chief engineer of the Panama Canal Zone, and a governor of the zone, but he can only do it by and with the advice of the Senate.

Mr. WILLIAMS. Before the gentleman proceeds I want to call his attention to the manner in which his amendment would come in. I think the gentleman merely wishes to provide that when appointments are made that they shall be by and with the advice and consent of the Senate.

Mr. RAINEY. Yes.

Mr. WILLIAMS. The way you have got it, by inserting it between the words "to" and "detail," it would read:

The President is further authorized for the purposes described in this act to, by and with the advice and consent of the Senate, detail, appoint, etc.

If your amendment passed, the President could not detail an army officer except by the advice and consent of the Senate, nor a civil engineer without the consent and advice of the Senate. But if you put it after the word "appoint" it would read "appoint by and with the advice and consent of the Senate," etc.

Mr. RAINEY. I think the criticism is well made, and I change that amendment, Mr. Chairman, so as to come in after the word "appoint."

The CHAIRMAN. Without objection, the amendment will be considered as so changed.

Mr. RAINEY. This section contains some astonishing provisions. In addition to giving the President the right to appoint these three principal officials it gives him the right to give to any one man two of these offices so created.

The fixing of the amount of the salary rests entirely in the discretion of the President. It looks to me as if this particular clause in this bill was framed up for the purpose of giving a job to an ex-President of the United States after he comes back from shooting at lions in Africa. The section continues here and authorizes the President to create just as many offices as he wants to create, to fill them himself, and to prescribe the duties of these various positions, the titles of the officers, and to fix the amount of the salaries himself, without the consent of anybody. It absolutely abrogates the civil service as it might be applied to the zone. The President sent back here not long ago, with his veto, the census bill, which gave to Members of Congress the right to select some employees over here in the Bureau of Census when the time comes to take the next census, and he sent it back here because selections could be made without any sort of examination and without any reference to the civil-service laws.

This clause authorizes the President of the United States, without the consent of the Senate, to create as many offices as he pleases, to fill them with whom he pleases, and to fix salaries to suit himself. I submit that if this amendment goes through, and it is required that the appointments when made from civilians shall be with the advice and consent of the Senate, it will be something of a check on his powers in this particular. This amendment, in view of the recent veto message of the President, ought to receive the support of both sides of the House.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. RAINEY].

The question being taken, on a division (demanded by Mr. RAINEY) there were—ayes 45, noes 87.

Mr. DE ARMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting immediately after the word "authorized," in line 14, page 3, the following: "To designate from the Corps of Engineers of the Army one director and one chief engineer of the Panama Canal, and;" and by striking out of lines 14 and 15, same page, the words "one director and one chief engineer of the Panama Canal."

Mr. DE ARMOND. Mr. Chairman, the effect of this amendment, if adopted, would be to have the director and the chief engineer taken by the President from the Engineer Corps of the Army and the governor appointed by and with the advice and consent of the Senate.

Everybody who has given any attention to the condition of affairs down in Panama is aware that since the work was put in charge of army engineers it has progressed very much more satisfactorily than it did before. I presume it is not the purpose to change the plan of operations down there by putting the army engineers out of charge and again putting civilians in charge. I suppose it is not the purpose in this legislation in any way to reflect upon the conduct of affairs down there under the supervision of the army engineers.

Now, if these assumptions are correct, it seems to me that the amendment ought to be adopted, because then, instead of being a reflection or an implied reflection upon the engineers who have conducted this work with very great success, it would be in the nature of a commendation of them. The President then would be authorized to designate from this Engineer Corps of the Army the one officer whom he should choose for director and the one officer whom he shall choose for chief engineer of the Panama Canal. Then he would have the same authority precisely as this bill gives, to appoint a governor, in his discretion, subject to the advice and consent of the Senate.

I think that the amendment is one that ought to be adopted. I think that not to adopt it, or something equivalent to it, would be to carry with this enactment, if it becomes a law, a suggestion that there is a design to change from the control of affairs by the engineers of the army to control again by civilians, which was certainly very unsatisfactory, as we all know.

It carries with it, I think, as it stands now (and I feel confident that that was not designed) a reflection upon the conduct of affairs down there by the army engineers. There ought to be no such reflection, actual or implied, real or supposed, because the officers in charge deserve commendation and not censure, direct or indirect. I hope that the amendment will be adopted, and I hope that there will be no opposition to its adoption.

Mr. MANN. I deny that this bill carries any reflection upon the present engineers down there in any way whatever.

Mr. DE ARMOND. I would say, and I think I did say, that I am sure there is no such intention as that, but I believe that the bill would be subject to that interpretation.

Mr. MANN. I understood the gentleman to state that that was his opinion, and now rise to give mine, so that there can be no misunderstanding as to our position on the matter. There is no such intention; far from it. The report in this case takes special occasion to pay a tribute to Colonel Goethals, the engineer down there. I hope the amendment will not prevail.

Mr. DE ARMOND. I would like to ask the gentleman a question. Is he designing to open the way for the appointment of a civilian to manage this canal work?

Mr. MANN. That way is open now. It is not designed to open or to close the way. I have no doubt that the work will continue to be administered by Colonel Goethals as long as he is willing to occupy his position, which I hope will be until after the canal is completed. But if for any reason the office should become vacant, the President ought to be permitted to select the best man he can get for the place. Probably that might be from the army engineers; but I do not believe he ought to be

compelled to take a man from the army engineers, unless in his judgment the best man for the work is to be found in that corps.

Mr. DE ARMOND. What is the occasion for having the concurrence of the Senate in the designation of an army engineer for that position?

Mr. MANN. Well, Mr. Chairman, a moment ago a gentleman on that side offered an amendment under which you could not detail an army officer down there for any purpose—

Mr. DE ARMOND. I did not offer it.

Mr. MANN. I understand the gentleman did not—without the concurrence of the Senate. "If I had my way about it, I would never provide any office that I could constitutionally and require the concurrence of the Senate."

Mr. DE ARMOND. I think this is true about it: The army officer is already, of course, in the employ of the Government. He discharges all of his duties in the regular way, by designation of his commanding officer. Now, when it is required that there be such designation by consent of the Senate, there certainly is carried with it, whatever the intention may be, and I understand the intention is as the gentleman states—

Mr. MANN. I want to say to the gentleman that the officer has been confirmed by the Senate. General Goethals was appointed and confirmed by the Senate, as the gentleman will remember. I would not do anything that reflected on General Goethals. I think he is the greatest engineer in the world, and it is to strengthen his hand that we have this bill in this shape.

Mr. DE ARMOND. I think it would be better with the amendment adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. DE ARMOND. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amend by inserting after the word "compensation," line 17, page 3, the following words: "not to exceed \$10,000 per annum."

Mr. DE ARMOND. Now, Mr. Chairman, a single word in regard to that. It seems to me there can be no reason why the House should not express its judgment as to what the compensation of the officers and employees should be, or at least fix a limit. I think \$10,000 would be a reasonable limit; if it is not, then some other limit ought to be fixed, no matter what it may be, up or down, but it appears to me good legislation and proper procedure not to clothe the President with the power of fixing compensation as he chooses and pleases. That is all that I wish to say about that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. DE ARMOND. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amend by inserting between the words "person" and "shall," line 3, page 4, the following:

"Not to exceed \$10,000 per annum for any one of them."

Mr. DE ARMOND. Mr. Chairman, that applies to what would be supposed to be the inferior officers selected by the President. What I have stated about the other amendment applies with greater force to this. That is all I care to say on the subject.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 14, page 4, the following:

"Provided, That the employment of skilled laborers, clerks, and others who have heretofore been known as gold employees shall be restricted to American citizens."

Mr. RAINEY. Mr. Chairman, if we are to enter upon the gigantic system of spoils contemplated here in this bill, I prefer that the spoils shall go to American citizens. I am informed that this afternoon on the floor of the Senate the chairman of the Committee on Inter-oceanic Canals—

The CHAIRMAN. The Chair suggests to the gentleman that it is not proper to state anything that occurred on the floor of the Senate.

Mr. RAINEY. Very well, Mr. Chairman; then I will not do it. I understand it has been stated this afternoon by a gentleman in authority, who has the means at his disposal of arriving at correct conclusions, that it will cost \$417,000,000 to build even this lock type of canal. Much of that money goes to employees who are on the gold rolls. Now, if the President of the United States is to create down there as many officers as he pleases and pay each one of those officers so appointed as large a salary as he pleases, then I prefer that these officers so appointed, and sharing in the moneys and spoils connected with this canal, shall at least be American citizens, even though they belong to the other party.

The so-called "gold roll" on the Isthmus of Panama takes in all those employees who are above the grade of mere laborers. Men getting \$80 a month and more than that, up, perhaps, to \$200 or \$300 a month and more, are paid in gold, and therefore are known as "gold employees."

Within the last thirty days, by executive order, the President has put into effect on the Canal Zone an order providing that the gold employees may be selected not only from American citizens, but also from citizens of the Republic of Panama. If we are to create all these hundreds of offices and pay to the men appointed to fill them millions of dollars, I insist that, as a part of the organic law under which these appointments are made, every one of them should be an American citizen. You gentlemen on the other side who are supporting the President of the United States, who are voting here with the committee and for this particular clause which creates spoils unprecedented in the history of the Nation, if you want to be true to your own party, if you want to keep these offices within your own party, if you want to be able to go home and explain things to your constituents who are demanding places down there on the gold rolls of the Canal Zone, you will vote for this amendment; and if you do not vote for it, we will see to it that in the congressional campaign next year your constituents know that you did not. Now, vote as you please. [Laughter on Republican side.]

Mr. MANN. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 58, noes 84.

So the amendment was rejected.

Mr. RAINEY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

In line 5, page 4, strike out the words "appropriation act or other."

Mr. RAINEY. Mr. Chairman, I want to call the attention of the country to the fact, and if I am mistaken about it some gentleman on the other side can correct me now, and you are nearly all there, that not a single man on the Republican side of this House voted for the amendment which I just offered. Now, if any of you did, I wait to hear the answer, whether you did or not. [Loud cries of "No!" and laughter on the Republican side.]

Mr. Chairman, I have made the record that I want to make. I insist that if we are to legislate for the Canal Zone we should do it in a regular way and not by means of appropriation acts, and this amendment merely strikes out words which provide that in an appropriation act we can legislate for the Canal Zone.

Mr. MANN. Mr. Chairman, the provision which the gentleman seeks to strike out is one which saves to Congress the authority to fix salaries at any time in the appropriation act, and is restrictive and not an extension of authority. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such persons as may be detailed, appointed, or designated by the President in accordance with the provisions of this act.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, with the view of clearing up the statement made by my friend, the gentleman from Illinois [Mr. MANN]. Not only he but several others seem to take the view, or want the country to take the view, that there are but two alternatives before this Congress—either to pass this act with section 2 in it, or to have chaos on the Canal Zone.

Mr. MANN. I hope the gentleman will not misquote me.

Mr. WILLIAMS. I understood the gentleman to say that we had to do this or to have chaos.

Mr. MANN. I said one of three alternatives.

Mr. WILLIAMS. Very well. I recognize now, Mr. Chairman, that the gentleman is correct. He said that there were three alternatives—to pass this act with section 2 in it, or to consent to the continuance of affairs as they are now upon the zone, or to have chaos. I say, Mr. Chairman, that there are five alternatives, three of them bad and two of them good. One is chaos, the second is a continuation of the present system down there, which is an executive usurpation; the third is the passage of this act with section 2 in it, giving to the Executive legislative and judicial power. The other two are good alternatives—the fourth, to give a local government down there of some sort, and the fifth to govern the Canal Zone under general laws passed by Congress, with commissions or officials selected by the President, as we govern the District of Columbia.

So that there are five alternatives and not three, and there is no necessity, either, for the continuance of the present executive usurpation or for chaos if Congress wants to do its duty and proceed now to draw up a bill of some sort suitable for the government of the canal.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

SEC. 5. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate; but in the event of the absence or incapacity of the judge so appointed, a judge pro tempore may be appointed by the governor of the Canal Zone. The records of existing circuit courts and all causes and proceedings pending therein shall be transferred to the jurisdiction of the circuit court hereby created as of the date when the judge appointed hereunder qualifies.

Mr. WEBB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 23, page 4, after the word "court," insert "and inferior judges."

Mr. WEBB. Mr. Chairman, if this amendment is agreed to it will mean that the inferior judges, all judges appointed for the Canal Zone, shall be confirmed by the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. Does the gentleman want the justices of the peace on the Canal Zone appointed by the President and confirmed by the Senate?

Mr. WEBB. In answer to that I will say that the Constitution provides for only two kinds of judges; that is, the Supreme Court judges and a judge of an inferior court. A justice of the peace is not a court.

Mr. MANN. But these are not constitutional judges. The Canal Zone is not under the jurisdiction of the Constitution.

Mr. WEBB. Then how are we acting? Without constitutional warrant?

Mr. COCKRAN. I suggest probably as a club. [Laughter.]

Mr. WEBB. My friend suggested that we are acting down there as a club. I think that we are acting under the Constitution to some extent. Every judge appointed on the Canal Zone—

Mr. MANN. We even have a tariff law between the Canal Zone and the United States, passed by unanimous consent.

Mr. WEBB. That does not answer my proposition, Mr. Chairman, at all. If there are any district courts to be established down there, the judges of them should be confirmed by the Senate, as well as circuit court judges. The United States circuit court judges are confirmed by the Senate, as well as other inferior federal judges. If the President is going to appoint two or three district judges, they ought to be confirmed by the Senate. I may say further that under the Constitution he has no power to appoint justices of the peace in the Canal Zone. Section 1 of Article III of the Constitution provides that the judicial power of the United States shall be vested in the Supreme Court and in such inferior courts as the Congress may from time to time establish, and not by the President. This bill gives the President the right to establish or constitute a court. The Constitution says that the Congress shall establish the courts, and the President, therefore, can not do it.

Now, if this section of the bill refers to the inferior courts mentioned in the Constitution, those are constitutional courts and the appointments of the judges ought to be confirmed by the Senate, and that is all that my amendment provides. The President has no authority under our Constitution to appoint any but judges mentioned in that instrument; and when they are so appointed, they hold their positions as such judges and ought to be confirmed by the Senate, as all federal judges are now confirmed.

Mr. MANN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on the section and all amendments thereto be closed in five minutes.

Mr. MARTIN. Mr. Chairman, I have an amendment which I desire to offer and make a few brief remarks, and I do not want to be cut off—

Mr. MANN. Suppose I make it fifteen minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section and all amendments thereto close in fifteen minutes.

Mr. MARTIN. I understand that this is not all to be taken up by this present amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

Mr. UNDERWOOD. Mr. Chairman, I wish to speak to the gentleman's amendment. I believe I am entitled to recognition in opposition to it.

The CHAIRMAN. The gentleman from Alabama is right.

Mr. UNDERWOOD. Mr. Chairman, I do not agree with my friend from North Carolina with reference to this question. I do not agree, and I believe it is a mistake that the words should remain in the paragraph that the President shall have the right to appoint these judges, by and with the advice and consent of the Senate. Now, I agree with the gentleman from North Carolina that in all probability the use of the words "by and with the advice and consent of the Senate" will make this judge a constitutional judge with the power to hold his office for life. I think that would be very unwise, especially at this particular point of territory of the United States. It is well recognized that in the Territories, and I presume in the colonies as well, we can appoint judges who shall not hold a life tenure of office. I believe all the judges in the present Territories hold office of a fixed tenure and not for a life tenure. Now, the reason why I think it is unwise for us to take the chance of appointing judges with a life tenure to office in this particular zone, when we do not have to do so, is this—

Mr. WILLIAMS. Right there, before the gentleman leaves that point. The gentleman is right in saying we have two sorts of judges in the country. We have regular United States judges, who have been appointed for life, and we have territorial judges, but the territorial judges are also, are they not, appointed, by and with the consent of the Senate, no matter what the term is?

Mr. UNDERWOOD. I think they are, but I think in the Territories at the present time that we only have territorial judges and not district and circuit court judges, except there is an appeal to the circuit court of appeals. My objection to a federal judge being appointed for life to the Canal Zone is that, if there is any possibility of one holding for that length of time, whenever we engage in a war with a foreign country the keystone of the arch of our defense will be the Canal Zone. It will be an important point; it will be a point at which the enemy fires its first shot; it will be a point that we have to maintain under any and all circumstances in order that we can utilize the full power of our fleets. Now, we should not forget that there was a time in the history of the United States when the city of New Orleans was jeopardized, when the British force was about to attack that city, by the federal judge issuing an injunction against General Jackson and attempting to tie his hands and hamper him in using the authority of a general of the United States Army.

Now, if we appoint judges in this territory who hold for life, who are not subject to removal by the President of the United States, we may hereafter find that we are facing conditions that will hamper not only the Government in that territory, but the handling of the armies and the navies of the United States in time of war. As it is not necessary to appoint a judge for life, I think it would be very wise to select the judges for that particular territory who can be removed at the discretion of the President of the United States.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was rejected.

Mr. MARTIN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 5, page 4, by striking out, in line 22, the words "may constitute" and insert the words "has constituted or may hereafter constitute."

Mr. MARTIN. Mr. Chairman, when the committee was considering this bill under general debate attention was called by the gentleman from New York [Mr. BENNET] and myself to what seems to me to be an unfortunate provision in the bill. I think there would be great confusion as to whether the inferior courts now existing in the Canal Zone continue, and if they do not continue, what becomes of the cases pending therein in case the Congress shall adopt this section in its present form? It is true that the latter clause in section 2 of the bill approves of all acts of the President, and this is undoubtedly an approval of the constitution of such courts, circuit and inferior, as have been constituted in the zone. But section 5 disposes of the entire judicial jurisdiction and power upon the zone, which is, I think, exclusive of the other provisions so far as the judiciary question is concerned. This very section which I propose to amend vests the entire judicial power upon the

zone, first, in a circuit court, and then in such inferior courts as the President may constitute, plainly looking to the future and not to the past.

It is very clear to my mind that the effect of that would be to dissolve from the time of the approval of this act any of the inferior courts of the Canal Zone. If that is to be done, then this section should be amended later on to provide for the transfer of the causes pending in these inferior courts to such inferior courts as may be constituted in the future by the President. If, on the other hand, it is the purpose of the committee, which it appears to be from the general language of this bill, that the present inferior courts shall continue and shall continue to have their jurisdiction, then I think the amendment which I propose is absolutely necessary. That would approve of the continuance of the present inferior courts and for the adoption of such others as the President might hereafter constitute. Certainly, if we adopt it in its present form, it appears clear that we, by so doing, limit the entire jurisdiction for judicial purposes upon the Canal Zone to the new courts, first to the circuit court, which is proposed to take the place of the present circuit court, and then to such inferior courts as may be hereafter constituted, and continue with the jurisdiction now employed and exercised by the present courts. I can see no objection to the adoption of this amendment if the purpose of the bill, as intimated by the member of the committee in charge of it, is to continue these inferior courts. If this is not done by this amendment, it does seem to me that the effect would be to leave numerous cases now pending in those inferior courts up in the atmosphere, without any transfer or disposition of their causes, possibly to the loss of the rights of litigants interested in them.

Mr. PARKER rose.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. PARKER] oppose the amendment?

Mr. PARKER. I shall oppose the amendment because I expect to make a motion to strike out the clause, and I desire to say here that it ought to be stricken out.

Mr. MARTIN. Mr. Chairman, I rise to a point of order as to whether a motion to strike out the entire paragraph is germane or whether the debate on the amendment I offered is alone in order at this time.

Mr. PARKER. Can I have five minutes on the motion to strike out?

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that he may speak for five minutes upon a motion which he proposes to make later to strike out the section.

Mr. PARKER. I desire to inform the House—

Mr. MANN. Mr. Chairman, if consent can not be given, I can inform the gentleman that he will have the time.

The amendment offered by the gentleman from South Dakota ought not to prevail for this reason: The law creating the court is the law of the Isthmian Canal Commission, by authority of the President, and to put in the language of the gentleman would only make it involved and not accomplish the purpose he seeks.

The question was taken, and the amendment was rejected.

Mr. PARKER. I desire to strike out the section and to be heard on that motion.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania offers an amendment to perfect the text, which is entitled to precedence over the motion to strike out. The Chair desires to state that there are only five minutes for debate remaining.

Mr. NICHOLLS. Mr. Chairman, I offer to amend by adding two sections to the bill, to be numbered 6 and 7, and the other sections to be numbered in accordance therewith.

The CHAIRMAN. The Clerk will report the amendment.

Mr. UNDERWOOD. I desire to offer an amendment.

The CHAIRMAN. The Chair observes that the amendment sent to the Clerk's desk by the gentleman from Pennsylvania does not appear to be an amendment to the pending paragraph. It therefore is not in order now.

Mr. UNDERWOOD. I desire to offer an amendment to perfect the section.

The CHAIRMAN. That is a preferential amendment, and takes precedence of the motion of the gentleman from New Jersey.

Mr. UNDERWOOD. I move to amend the section by adding, after the word "Senate," on line 24, the words "who shall be subject to removal at any time by the President of the United States." I stated a while ago why I think these words should be added, and as the gentleman from New Jersey desires the balance of the time to make a speech in, I will not take up the time, but ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama, which the Clerk will report.

The Clerk read as follows:

After the word "Senate," page 4, line 24, insert the words "who shall be subject to removal at any time by the President of the United States."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. UNDERWOOD. I ask for a division.

The committee divided; and there were—ayes 78, noes 10.

So the amendment was agreed to.

Mr. BENNET of New York. Mr. Chairman, I offer an amendment to perfect the section.

The Clerk read as follows:

On page 5, line 5, at the end of the line, add "and such causes, cases, and proceedings continued therein."

Mr. BENNET of New York. Mr. Chairman, it is simply a continuation of the cases as well as a transfer of the records.

Mr. MANN. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now the gentleman from New Jersey moves to strike out the section. The gentleman is recognized for four minutes.

Mr. PARKER. Mr. Chairman, I should have liked to have had five minutes. There are three judges now on the Canal Zone. They are called the circuit court. One sits at Ancon, another at Empire, and the other place I have forgotten. Each one holds a circuit court, and they sit together as a united supreme court, where the two who did not try the cause below determine cases on appeal. This supreme court hears appeals right there in the zone and determines them. It is true that the court has not enough business for three judges. But the reason is that there are too many inferior courts—inferior courts of district judges, who can impose a sentence of thirty days' imprisonment and a fine of \$100. If the three circuit judges tried all the cases, there would be plenty to do. But I object to the system in this bill, where there will be but one circuit judge, who tries all cases and has absolute power as one judge, without any appeal, in the zone, and that it is proposed either that parties shall wait for a year in order to get two judges down from the circuit court of appeals of New Orleans in order to try the appeal there or else that they shall take the appeal over to New Orleans. We remember that the Revolution was caused very largely because appeals had to be taken over to England from our colonies. Provision is rightly made in section 7 that there shall be a certiorari or appeal in capital cases and cases of great importance to the Supreme Court of the United States.

We have in the second section provided already that the judicial power on the Isthmus shall be vested in such persons as the President may from time to time designate and determine. That can be better designated by him from time to time as the exigencies require by continuing the present circuit court and getting rid of the useless district court, allowing appeals to be there determined, in their own court, and allowing only a certiorari to the Supreme Court of the United States.

I believe in independent local free government, not in one single judge in the zone as the whole judicial government, with only an appeal to a distant court in New Orleans, unless they wait for a year for a hearing. That is all I wish to say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey to strike out the section.

The question was taken, and the amendment was rejected.

Mr. NICHOLLS. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

Mr. BENNET of New York. Mr. Chairman, I offer a new section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. NICHOLLS] has a similar amendment pending, which will be reported by the Clerk.

The Clerk read as follows:

After line 5, page 5, insert two new sections to stand as sections 6 and 7, as follows:

"Sec. 6. That no restraining order or injunction shall be granted by any of said courts, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or

persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

"SEC. 7. That in cases arising in or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definition contained in the foregoing section."

Mr. MANN. I make the point of order that that amendment is not germane to any provision of the bill.

The CHAIRMAN. The Chair finds that the bill provides for the creation and constitution of courts; the amendment appears, from a hasty reading, to describe, define, or limit the functions and powers of these courts which the bill itself creates. The Chair is of opinion that the amendment is germane, and therefore overrules the point of order.

Mr. NICHOLLS. Mr. Chairman, I offer this amendment at this time because I believe it ought to be enacted for the purpose of protecting the rights of certain citizens of this country, which rights are not now protected and cared for according to the practice indulged in by many of the courts, and because I believe also it ought to be a part of the laws governing the whole of the United States.

I realize that this amendment can affect only those who come under the jurisdiction of the courts in the Canal Zone, but I believe that action upon it by this body at this time will indicate what the membership of this House think as to the principle of this anti-injunction legislation.

The President has said in several of his messages, and I remember distinctly in the last message, that abuses in the issuance of injunctions in labor disputes continue to occur. He has recommended that this House take up the question and pass upon it, and enact some legislation so as to prevent the recurrence of those abuses in the issuance of injunctions in labor disputes. The House has not yet taken any action whatsoever. The Committee on the Judiciary have not yet seen fit to report any kind of a measure whatsoever. A then member of the committee was reported last winter as saying in public addresses that their committee would not report this legislation, and substantially said that they feared it would pass the House almost unanimously if opportunity were given the House to pass upon it.

It has thus far been impossible to get such a measure before this House for consideration, and that is one of the reasons, aside from the main point in this amendment, why I bring the matter up at this time. If we are opposed to such legislation, let us say so, but let us not continue to allow a committee of a few Members, or a subcommittee of a very few Members, to prevent consideration on such an important matter by this House.

Some argument has been made against a part of the amendment which I have offered, when it has been discussed in the committee room, on another bill, on the ground that it is designed to take away certain property rights now enjoyed; but I want to make the point that the clause says substantially that those things shall not be considered property rights for the purposes of this measure, and only for this measure. The rights mentioned therein are the rights of the employer to employ, and the right of those whom he may possibly secure as employees to refuse to be employed or to accept employment; the rights of people whom the business man may seek as patrons; the principle being that he has no right to their patronage until it has been granted. I think the rights of the laboring men who may become involved in such a dispute are entitled to be considered.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HUGHES of New Jersey. I ask unanimous consent that the gentleman have five minutes.

Mr. MANN. I hate to object, but I will ask the gentleman if two minutes will be sufficient.

Mr. NICHOLLS. Yes.

The CHAIRMAN. Is there objection?

Mr. HASKINS. I object.

The CHAIRMAN. Objection is heard.

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New Jersey desire to address the committee in opposition to the amendment?

Mr. OLLIE M. JAMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. Would it be in order to move that the gentleman from Pennsylvania have five minutes to conclude his remarks?

The CHAIRMAN. It would not; it requires unanimous consent.

Mr. MANN. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. I addressed the Chair some time ago, and the Chair started to address me and various gentlemen interrupted, and I now rise for the purpose of speaking to the amendment.

The CHAIRMAN. The Chair asked the gentleman from New Jersey if he desired to address the committee in opposition to the amendment, and the gentleman did not reply, but took his seat.

Mr. HUGHES of New Jersey. I desire to speak in favor of the amendment.

The CHAIRMAN. That can be done now only by unanimous consent.

Mr. HUGHES of New Jersey. Nobody has made the point of order.

Mr. MANN. I moved to close debate on this paragraph.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this paragraph and pending amendment be now closed.

The question was taken; and on a division (demanded by Mr. OLLIE M. JAMES and Mr. HUGHES of New Jersey) there were 90 ayes and 54 noes.

Mr. HUGHES of New Jersey. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. HUGHES of New Jersey and Mr. MANN.

The committee again divided; and the tellers reported that there were 97 ayes and 51 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. Cox of Indiana) there were 29 ayes and 87 noes.

So the amendment was lost.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment in the nature of a new section.

The Clerk read as follows:

SEC. 6. No court or judge in the Canal Zone shall have or exercise jurisdiction in naturalization proceedings.

Mr. BENNET of New York. Mr. Chairman, the explanation of that is brief. Under the immigration act of 1907, for obvious reasons, we admit people to the Canal Zone whom we do not admit to enter any portion of the United States. It may be that the danger of naturalizing these men is remote.

Mr. MANN. Does the gentleman understand that it is thoroughly settled that the naturalization laws do not apply to the Canal Zone?

Mr. BENNET of New York. Yes; under section 33 of the naturalization act.

Mr. MANN. Then what is the use of putting in a provision of this kind?

Mr. BENNET of New York. The immigration laws do not extend to the Canal Zone, but men are admitted to the Canal Zone that are not admitted to the United States. Once there and the courts having the right to naturalize them, a naturalization law being extended to the Canal Zone, the men might be naturalized.

Mr. MANN. Nobody would argue for a moment that a court in the Canal Zone could naturalize anyone so as to make him an American citizen. You might as well say that a thousand other things should be prohibited in this bill.

Mr. BENNET of New York. The President could extend the power to the court there or to a judge to naturalize as soon as this became law.

Mr. MANN. Not a bit of it; not at all.

Mr. BENNET of New York. No question about it.

Mr. MANN. You might as well put a thousand prohibitions into this bill.

Mr. BENNET of New York. I think it is necessary because of the immigration statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 6. That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

Mr. BRODHEAD. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Illi-

nois who has the bill in charge to explain this section. Here is the difficulty, as it appears to me, and if the gentleman will explain it, no doubt it will be of benefit to others who, like myself, do not understand it. First, why is the word "impartial" used before the word "jury"? Is there any particular meaning in that word, and would not the section mean just the same if the word "impartial" was left out?

Mr. MANN. I think it would. I say to the gentleman frankly that that is the language of the executive order providing for jury trial on the zone, and we simply followed that language.

Mr. BRODHEAD. Does the gentleman say the word is wholly unnecessary?

Mr. MANN. It declares the intention of Congress that the jury shall be impartial.

Mr. WEBB. I will say to the gentleman that that is the language of the Constitution also.

Mr. BRODHEAD. What is the number of men composing this jury?

Mr. MANN. I take it that it would be a jury of 12.

Mr. BRODHEAD. The gentleman says he takes it that there would be 12. Why could it not be 6?

Mr. MANN. I may say to the gentleman that the gentleman from Georgia [Mr. BARTLETT] is entitled to the credit for having this provision in the bill. He has given a great deal of attention to the subject. We went over and examined it very carefully, intending to provide that there must be a jury trial, if the accused demanded it.

Mr. BRODHEAD. Is there any authority which now fixes the number of this jury at 12.

Mr. MANN. The order now provides for a jury of 12.

Mr. BRODHEAD. Does the gentleman mean the order of the President?

Mr. MANN. Yes.

Mr. BRODHEAD. Then, if the President has the right to order a jury of 12, has he not the right to order a jury of 6?

Mr. MANN. I presume he would have.

Mr. BRODHEAD. Can the number of this jury be changed from time to time as it may strike the President's fancy?

Mr. MANN. I do not know whether it can be or not. I hope it can be. My hope would be that it could be.

Mr. BRODHEAD. I understand that the number of this jury is supposed to be 12, that it is supposed to stay at 12. I understand from the gentleman that this number may be changed from time to time as it may strike the President's fancy. With that view, I offer an amendment.

Mr. MANN. I would prefer to take the opinion of the gentleman from Georgia [Mr. BARTLETT], although personally I think that a jury of 6 in many cases down there would be just as sufficient as a jury of 12.

Mr. BRODHEAD. Can the gentleman inform the House how that jury is selected and who is going to compose the jury? Will the jury be composed of white men exclusively?

Mr. MANN. I may say to the gentleman that the jury is now selected, and I suppose will continue to be, by a jury commission, who select American white citizens to act as jurors.

Mr. BRODHEAD. And that is under the President's order?

Mr. MANN. Yes.

Mr. BRODHEAD. And may be changed at any time?

Mr. MANN. Yes; it might be changed at any time. The gentleman perhaps wants to let anybody select the jury down there, and select some of the colored people? I have no doubt that is his amendment.

Mr. BRODHEAD. No. I do not understand what the gentleman means.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRODHEAD. I have an amendment to offer to this section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 6, page 5, line 8, after the word "jury," by striking out the period and adding the words "of twelve."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to be heard in opposition to the amendment.

Mr. MANN. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia for five minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not desire to occupy the full five minutes. I desire simply to say this: That the President did, some time in February of this year, issue an executive order by which he directed that parties

charged with capital offenses should be tried by a jury to be selected by commissioners, to be appointed by the chairman of the Isthmian Canal Commission; that these jury commissioners should select sixty names, and these should constitute the jurors from whom juries should be selected; they were not confined to American citizens in making selection, nor to white nor to black people; but the order prescribed that they should have three months' residence upon the Isthmus, and should be able to read and write the English language. Now, it is true that in carrying out that order there have been none but white people who have been selected as jurors to try any cases. This section of this bill, which extends the right of trial by jury to include not only capital cases, but every case which was denominated a felony by the laws now in force on the zone, was engrafted on the bill upon my suggestion and earnest advocacy. It secures a right which should be preserved to the citizen wherever the flag of our country floats.

Referring, Mr. Chairman, to the amendment of the gentleman from Pennsylvania [Mr. BRODHEAD], I do not mean to say, when I oppose that amendment, that I am in favor of a jury of less than 12. I am not, and I would resist any effort to make a jury in a criminal case consist of less than 12, but the Supreme Court of the United States, in construing this section of the Constitution, which provides for a trial by an impartial jury, have in a number of cases held that that provision of the Constitution means an impartial jury of 12 men; that the jury trial, as contemplated by the adoption of the Constitution, meant a jury trial as was in existence in England at the time of the adoption of the Constitution; and that court has gone further than that and has held that a jury trial as provided by this section of the Constitution meant both an indictment by a grand jury and a trial by a jury of 12.

Mr. WEBB. I want to ask the gentleman if he thinks the Constitution applies to the Canal Zone?

Mr. BARTLETT of Georgia. I do not think that the Constitution, under the decision of the Supreme Court, which I am bound to accept but which I can differ from, now applies to the Canal Zone, but I do think that whenever Congress in pursuance of its power to enact law for such territory—extend the Constitution to it—and provides for a jury trial in a United States court, it can not provide for a jury trial in any way except that required by the Constitution. Whenever you extend to the Panama Canal Zone or to the Philippines or to any of these territories, which are called "appurtenant," but which are not under the Constitution until Congress so declares, but a part of the United States, the provisions of the Constitution, especially those provisions which contain great guarantees of the right of the citizens, every part and every provision of that Constitution, and the construction of such provisions as made by the courts will be applied in the decisions of cases arising in the territory where the Constitution is by legislative enactment carried. This the Supreme Court of the United States has, in effect, decided in the cases arising in the Philippine Islands.

So if we establish in the zone the right of trial by jury, the citizen will enjoy all the rights which that provision of the Constitution carries or establishes for the citizen in the United States courts. This provision extends to the Canal Zone the right of trial by jury and gives to defendant the same right we enjoy here. It gives all the rights of trial by jury, as is provided by the Constitution of the United States and as it has been interpreted by our courts. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 7 of section 6 by adding after the word "felonies" the following:
"Or misdemeanors where the punishment is by imprisonment or a fine exceeding \$20."

Mr. OLLIE M. JAMES. Mr. Chairman—

The CHAIRMAN. The Chair will state that debate has closed on the paragraph and amendments thereto.

Mr. OLLIE M. JAMES. I thought it was on the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The amendment is in order, but debate is closed.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 52, yeas 86.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer the following amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Insert after "prosecutions," in line 6, page 5, the following: "wherein the accused may be imprisoned in the penitentiary or suffer death or be fined exceeding \$200 or be imprisoned in jail more than thirty days."
Also strike out "for felonies," in line 7, page 5.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "jury," in line 8, page 5, the following: "of 12 men, and shall be entitled to the same rights of challenge for cause and to the same number of peremptory challenges as defendants charged with felonies are entitled to receive under the laws of the United States."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That jurisdiction is conferred upon the circuit court of appeals for the fifth circuit to review by appeal or writ of error or otherwise any final decision of the circuit court of the Canal Zone, which jurisdiction shall be exercised under rules to be prescribed by said circuit court of appeals, and unless otherwise provided shall be exercised as nearly as may be in conformity with the procedure on appeals or writs of error in said circuit court of appeals. The associate justice of the Supreme Court assigned to the said circuit may likewise designate one or more judges thereof, who may hold a term of said circuit court of appeals at Ancon, Canal Zone, at a time between May 1 and August 1 of each year, notice of which shall be published within the Canal Zone thirty days in advance, for the purpose of hearing and determining appeals that would otherwise be heard by the circuit court of appeals at New Orleans.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting immediately after the words "Canal Zone," in line 12, page 5, the following:
"Which under existing law might be thus reviewed if such final decision were that of a circuit or district court within said fifth circuit."

Mr. MANN. Mr. Chairman, I have no objection to that amendment.

The question was taken, and the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I move to strike out, in line 18, page 5, the words "one or more" and insert in lieu thereof the word "three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in line 18, page 5, the words "one or more" and insert in lieu thereof the word "three."

Mr. KEIFER. Mr. Chairman, the law creating the court of appeals expressly requires it to be a court of three judges. The appellate power that is attempted to be given to the circuit proposed to be created by this bill for the government of the Canal Zone is to the court of appeals of the fifth circuit, and then comes this provision, if gentlemen will look at the bill, which authorizes the associate justice of the supreme court assigned to the said circuit the right to designate one or more judges thereof, who may hold a term of said court of appeals at Ancon, Panama Canal Zone. Now, this would seem to authorize one circuit judge, appointed by the associate justice of the supreme court of appeals at Ancon Hill. It would be very anomalous that if an appeal went to the fifth circuit there would have to be three judges, or at least a quorum of them, and if the associate justice of the fifth circuit of the United States were to designate one of the circuit judges to go to Ancon, the bill proposes to vest that one person with all the powers of the court of appeals. My amendment is simply to make the bill consistent in that respect.

Mr. MANN. Mr. Chairman, there is no reason why they should send three judges down there from New Orleans to hold court every year any more than there would be to send three justices from the Supreme Court into a circuit to hold court every year. The bill is designedly drawn the way it is, and it is in the interest of both the administration of justice and economy.

Mr. FITZGERALD. When is the bad, unhealthy season on the Canal Zone—the rainy season?

Mr. MANN. The rainy season commences in the latter part of April, and gets worse along in August, September, October, and November.

Mr. FITZGERALD. What grievance has the gentleman from Illinois that he compels this circuit court of appeals to hold court down there between the 1st of May and the 1st of August?

Mr. MANN. That is as good a time as there is, I may say to the gentleman.

Mr. FITZGERALD. I understand that is the rainy season, and it is very unhealthy down there at that time.

Mr. MANN. Not at all. That is not a bad season down there.

Mr. FITZGERALD. I think they ought to go down there when there would not be any danger.

Mr. MANN. I do not think they will go there enough to hurt their health.

Mr. KEIFER. I am not captious about this matter, but I want to know if it is the purpose of the friends of the bill to create a court of appeals that can sit at Ancon, consisting of one?

Mr. MANN. It is the purpose.

Mr. KEIFER. Then I think the bill fails to even do that effectually. If there is but one judge there under the present law, unless you are going to change the whole system, he can not hold any court of appeals.

Mr. MANN. When the gentleman made his first speech I understood him to say that under this bill he could.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question was taken, and the amendment was rejected.

Mr. KEIFER. Mr. Chairman, I move to strike out the word "one," in line 18, and insert "two," so that we may have a court there if the justice of the circuit should designate persons to go there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That in any case proceeding from a Canal Zone court involving a question arising under the Constitution or treaties of the United States or involving a sentence of death or imprisonment for life, an appeal may be granted by the circuit court of appeals from its final judgment to the Supreme Court of the United States. The Supreme Court may also require by certiorari or otherwise any case proceeding from a Canal Zone court to be certified from the circuit court of appeals to the Supreme Court for its review and determination.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in section 8, line 4, after the word "imprisonment," the words "for life."

[Mr. OLLIE M. JAMES addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. OLLIE M. JAMES. Division, Mr. Chairman.

The committee divided; and there were—ayes 61, yeas 81.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. That the President, through such officer as he may designate, is hereby authorized to grant leases of the public lands in the Canal Zone, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable, reserving in all cases mineral, oil, and gas rights. No agricultural lease, however, shall be granted for a tract of land in excess of 50 hectares, nor to any person who shall not have first established by affidavit, and by such other proof as may be required, that such person is the head of a family, or over the age of 21 years, that the application for a lease is made in good faith for the purpose of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law and executive regulation as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

Mr. RAINEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Line 25, page 6, strike out the word "agricultural."

Mr. RAINEY. Mr. Chairman, the clause as it stands now gives the right to the President or such officer as he may designate to lease any number of acres.

Mr. MANN. We will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. RAINEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 83, yeas 16.

So the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Illinois a question. Is there any provision in this bill

to prevent either the subletting of leased land or the assignment of leases? In other words, is there anything really to prevent the accumulation of large bodies of this property in the hands of one person?

Mr. MANN. Oh, certainly; I think so. But I may say to the gentleman that the great object is to get somebody down there to go on the land and raise vegetables for the benefit of the people who are down there.

Mr. COOPER of Wisconsin. In reply to that statement, I will say that if the lands are valuable for agricultural purposes, it does not seem to me that there will be any trouble, especially after the canal is completed, to get natives to lease and cultivate them.

Mr. MANN. We sell no land on the Isthmus.

Mr. COOPER of Wisconsin. I understand that.

Mr. MANN. Now, the purpose is to give the men some rights, and we give them the right to lease the land for as much as twenty-five years.

Mr. COOPER of Wisconsin. Mr. Chairman, permit me to say in reply to that suggestion of the gentleman that 50 hectares (about 125 acres) of good agricultural land in the Canal Zone is the equal of 400 acres in the North for the purpose of raising products.

Mr. MANN. I can not agree with the gentleman—

Mr. COOPER of Wisconsin. One moment. I do not know how much available valuable agricultural land there is there, but I do know that under this bill, if it becomes a law, the land in the Canal Zone will not be half as carefully guarded as is the land in the Philippine Islands, where we prohibit subleasing and the assigning of leases until a public officer, the Secretary of the Interior or the Chief of the Bureau of Public Lands, first gives his consent. This bill would also permit the leasing of the timber lands.

Mr. MANN. There is no land in the zone of any value as far as timber is concerned. None of the land has any timber on it that is of any value. I know that, for it is nothing but a lot of sharp pines.

Mr. COOPER of Wisconsin. I am talking particularly of agricultural lands. I am thoroughly convinced that we should prohibit subleasing and prohibit assignments of leases, or there will be an accumulation of these agricultural lands in the hands of a few.

The Clerk read as follows:

Sec. 11. That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear by a statement or plat filed under authority of the President with the collector of revenues for the Canal Zone that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and every lease shall be made subject to the provision that if at any time it shall become necessary for the United States to occupy or use any portion of the leased lands it shall have the right to do so without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee and a proportionate reduction of rent, the same to be determined by the courts of the Canal Zone if not mutually agreed upon.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting between the words "become" and "necessary," in line 19 on page 7, the words "or be deemed;" and by inserting in line 20, same page, immediately after "necessary," the words "or desirable."

Mr. MANN. That amendment is acceptable.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 12. That all laws and treaties relating to the extradition of persons accused of crime, in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes, and such purposes only, the Canal Zone shall be considered and treated in all respects as an organized Territory of the United States.

Mr. RAINEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

In lines 9 and 10, page 8, strike out the words "for such purposes and such purposes only."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RAINEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 63.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, and had directed him to report the same with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold his motion a moment?

Mr. MANN. I withhold the motion.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. McKINLAY of California, for four days, on account of important business.

To Mr. CLARK of Florida, indefinitely, on account of illness.

SENATE RESOLUTIONS AND BILL REFERRED.

Under clause 2 of Rule XXIV, the following resolutions and bill of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 88.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvements—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey, with the view to establishing a harbor at New River, Florida, where same has been connected to the Atlantic Ocean by cut-off, and to report, together with estimates of the cost of the project, securing over the bar at that location at least 20 feet of water and the construction of jetties to protect same—

to the Committee on Rivers and Harbors.

S. 7808. An act to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes—to the Committee on the Judiciary.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 26399. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WANGER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John Hancock, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. Cox of Indiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Harris Alvin Conrad, Sixtieth Congress, no adverse report having been made thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States. Pending the reading of the message,

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 19 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

Application of the State of Oregon for a convention to so amend the Constitution of the United States that United States Senators shall be elected by a popular vote—to the Committee on Election of President, Vice-President, etc.

Report of the Superintendent of the Capitol on the proposed remodeling of the Hall of the House (H. Doc. No. 1428)—to the Committee on the Library, and ordered to be printed, with illustrations if possible.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for water supply in the consulate-general at Seoul, Korea (H. Doc. No. 1430)—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the disposal of the Omaha tribal lands (H. Doc. No. 1431)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for contingent expenses of the Land Office (H. Doc. No. 1432)—to the Committee on Appropriations and ordered to be printed.

Report of the Washington, Alexandria and Mount Vernon Railway for the year 1908 (H. Doc. No. 1433)—to the Committee on the District of Columbia and ordered to be printed.

A letter from the president of the Washington Gaslight Company, transmitting report for the year ended December 31, 1908 (H. Doc. No. 1434)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16733) to establish a laboratory for the study of the criminal, pauper, and defective classes, reported the same, together with the views of the minority, without amendment, accompanied by a report (No. 2087), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 126) authorizing the Secretary of War to donate 6 condemned cannon to the city of Cheyenne, Wyo., reported the same without amendment, accompanied by a report (No. 2088), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26739) authorizing the creation of a land district in the State of South Dakota to be known as the Le Beau land district, reported the same without amendment, accompanied by a report (No. 2099), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, reported the same with amendment, accompanied by a report (No. 2100), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24837) to amend section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," reported the same with amendment, accompanied by a report (No. 2101), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27672) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers, reported the same with amendment, accompanied by a report (No. 2086), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution of the House (H. Res. 543) re-

questing the Secretary of War to furnish a report to the House of Representatives relative to hazing at the West Point Military Academy since January 1, 1908, reported the same with amendment, accompanied by a report (No. 2090), which said resolution and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21873) to define the manner in which public lands containing valuable deposits of phosphate and phosphate rock may be acquired, reported the same with amendments, accompanied by a report (No. 2091), which said bill and report were referred to the House Calendar.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25139) to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906, reported the same without amendment, accompanied by a report (No. 2092), which said bill and report were referred to the House Calendar.

Mr. GUERNSEY, from the Committee on the Territories, to which was referred the bill of the House (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska, reported the same without amendment, accompanied by a report (No. 2095), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27970) to amend section 8 of the act approved May 28, 1908, entitled "An act to amend the laws relating to navigation, and for other purposes," reported the same with amendment, accompanied by a report (No. 2102), which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7378) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company, reported the same without amendment, accompanied by a report (No. 2103), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported the same without amendment, accompanied by a report (No. 2104), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Ohio, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett, reported the same without amendment, accompanied by a report (No. 2089), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 2094), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2093), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 23512) for the relief of Frank Wyman, postmaster at St. Louis, Mo., reported the same with amendment, accompanied by a report (No. 2098), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship *Montara* without register, reported the same without amendment, accompanied by a report (No. 2096), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 7804) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope, reported the same with amendments, accompanied by a report (No. 2097), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15558) granting a pension to Thomas T. McMullen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27961) granting a pension to Mollie J. Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21657) granting a pension to Thomas Wyman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 27971) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior—to the Committee on the Judiciary.

By Mr. HEFLIN: A bill (H. R. 27972) to secure fair jury trials in criminal cases in the United States district and circuit courts—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: A bill (H. R. 27973) to provide for a survey of Mahoning River, in the State of Ohio—to the Committee on Rivers and Harbors.

By Mr. ESCH: Resolution (H. Res. 546) directing the Doorkeeper of the House to furnish Members files containing reported bills and resolutions of the House, etc.—to the Committee on Rules.

By Mr. POLLARD: Resolution (H. Res. 547) to provide additional compensation from the contingent fund of the House to the two chief pages and the two messengers in charge of telephones—to the Committee on Accounts.

By Messrs. TOWNSEND, FOSTER of Vermont, ANTHONY, SCOTT, CAMPBELL, HOWLAND, PARSONS, and McLAUGHLIN of Michigan: Resolution (H. Res. 548) amending the rules of the House—to the Committee on Rules.

By Mr. FOWLER: Resolution (H. Res. 549) to pay to the clerk of the Committee on Banking and Currency additional compensation—to the Committee on Accounts.

By Mr. CLARK of Florida: Resolution (H. Res. 550) requesting certain information from the Secretary of the Interior concerning employees of the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Messrs. BOYD, CARY, COOPER of Wisconsin, DAVIS, ELLIS of Missouri, ESCH, FOWLER, GARDNER of Massachusetts, GRONNA, HAUGEN, HAYES, HEPBURN, HINSHAW, HUBBARD of Iowa, KINKAID, LINDBERGH, LOVERING, MADISON, MARSHALL, MCKINLAY of California, MORSE, MURDOCK, NELSON, NORRIS, PEARRE, POLLARD, STEENERSON, VOLSTEAD, and WALDO: Resolution (H. Res. 551) amending the rules of the House—to the Committee on Rules.

By Mr. McCALL: Joint resolution (H. J. Res. 254) creating a commission to recommend a design and site for a monument or monumental memorial to Abraham Lincoln, and for other purposes—to the Committee on the Library.

By Mr. HAWLEY: Memorial of the legislature of Oregon, concerning the direct election of Senators—to the Committee on Election of President, Vice-President, etc.

Also, memorial of the legislature of Oregon, concerning tax on oleomargarine—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning wagon roads in Alaska—to the Committee on the Territories.

Also, memorial of the legislature of Oregon, concerning national roads—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning Malheur irrigation project—to the Committee on the Public Lands.

By Mr. CANNON: Memorial of the legislature of Oregon, praying for legislation making more permanent public roads—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, concerning the Malheur irrigation project—to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 27975) granting a pension to Carrie F. Wright—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 27976) granting an increase of pension to Thomas Hurney—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 27977) granting an increase of pension to Andrew E. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 27978) granting an increase of pension to Alfred Clark—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27979) to remove the charge of desertion standing against the military record of Patrick Powers—to the Committee on Military Affairs.

Also, a bill (H. R. 27980) to remove the charge of desertion standing against the military record of Leonard Seis—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 27981) granting an increase of pension to Luke Tabor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27982) granting an increase of pension to Isaac L. Ferris—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 27983) granting a pension to Margaret Nevison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27984) granting a pension to Mary E. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 27985) granting an increase of pension to James L. Look—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27986) granting an increase of pension to George C. Presley—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 27987) for the relief of Benjamin W. Chase—to the Committee on Military Affairs.

By Mr. HALL: A bill (H. R. 27988) granting an increase of pension to James L. Humphrey—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 27989) granting an increase of pension to Andrew J. Pugh—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 27990) granting an increase of pension to John H. Irwin—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 27991) granting an increase of pension to Richard H. Ely—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27992) granting an increase of pension to Floyd M. Sellards—to the Committee on Pensions.

Also, a bill (H. R. 27993) granting an increase of pension to Hurom Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27994) granting an increase of pension to Sanford Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27995) granting an increase of pension to Irvin Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27996) for the relief of John T. Magowan—to the Committee on War Claims.

Also, a bill (H. R. 27997) for the relief of Eliza Magowan—to the Committee on War Claims.

Also, a bill (H. R. 27998) to correct the military record of W. M. Penix—to the Committee on Military Affairs.

Also, a bill (H. R. 27999) to correct the military record of Norval Noland—to the Committee on Military Affairs.

Also, a bill (H. R. 28000) granting a pension to Robert Fletcher—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 28001) granting an increase of pension to Charles F. Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28002) granting an increase of pension to George W. Lloyd—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28003) granting an increase of pension to Martha D. Bryson—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 28004) granting a pension to Charles S. Munger—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 28005) granting an increase of pension to Isaac Wilkison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28006) granting an increase of pension to Alexander Duncan—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 28007) for the relief of Mrs. Jane A. Sanders, widow of Edward W. Sanders—to the Committee on War Claims.

Also, a bill (H. R. 28008) for the relief of Miss Evalina A. E. Frapp—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 28009) authorizing the payment of a claim to Tolivar B. Clark—to the Committee on War Claims.

Also, a bill (H. R. 28010) granting a pension to William T. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28011) granting an increase of pension to William Harrold—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 28012) granting an increase of pension to Charles A. Lewis—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 28013) for the relief of the heirs of Wesley W. Wallace—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 28014) for the relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, Bristol, Va.—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 28015) providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho—to the Committee on the Public Lands.

By Mr. BURLESON: Resolution (H. Res. 552) to pay R. E. Cowart, jr., a certain sum of money as additional compensation—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Asiatic Exclusion League of North America, protesting against the right of any other nation to determine as to domestic questions within the United States—to the Committee on Foreign Affairs.

Also, petition of Frank E. Burr, of Carbondale, Pa., and other individuals and firms in various parts of the United States, praying for the removal of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the passage of the Lincoln farm bill—to the Committee on Labor.

Also, petition of the Ellensburg (Wash.) Chamber of Commerce, praying for an increase in the salaries of the circuit and district court judges of the United States—to the Committee on the Judiciary.

Also, petition of William Young and 17 other citizens of the United States, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, petition of the west Wisconsin conference of the Methodist Episcopal Church, praying for legislation to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Association of Masters, Mates, and Pilots, praying for the passage of the so-called "Hayes bill"—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of labor unions in Pollok, Tex., and Onarga, Ill., protesting against the extradition of Pouren and Rudovitz—to the Committee on Foreign Affairs.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots of Steam Vessels, praying for the passage of the bill H. R. 15657 (the so-called "Hayes bill")—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Freedom Grange, of Freedom, N. H., and the East Branch Grange, of Pennsylvania, praying for the establishment of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Center Church, of Meriden, Conn., favoring the Burkett-Foelker antigambling bill—to the Committee on the Judiciary.

Also, petition of grain growers' department of the American Society of Equity, protesting against the removal of the duty on wheat and other grains—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of the Philadelphia Association of ex-Prisoners of War, for passage of pension bill benefiting ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of J. M. Smucker, of Orrville, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Memorial of the legislature of Missouri, in favor of deepening the channels of the Mississippi and its tributaries—to the Committee on Rivers and Harbors.

By Mr. BATES: Petition of citizens of Albion, Pa., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Association of ex-Prisoners of War, for amendment to pension laws placing ex-prisoners on the roll—to the Committee on Invalid Pensions.

Also, petition of citizens of Corry, Pa., favoring parcels-post and savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of heirs of Simon B. Rockwell—to the Committee on War Claims.

Also, paper to accompany bill for relief of Alfred Clark—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of Union ex-prisoners of war, for the passage of ex-prisoners of war pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of certain letter carriers and widows of letter carriers, as per the omnibus claims bill—to the Committee on War Claims.

Also, petition of the Team Owners' Review, favoring a bill for the prevention and punishment of cruelty to animals—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Chamber of Commerce of New York State, for appropriation for government exhibition at Brussels Exposition in 1910—to the Committee on Industrial Arts and Expositions.

Also, petition of the Manufacturers' Association of New York, for appropriation to improve the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of the New York Produce Exchange, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for appropriation as subsidy to a line of fast ships to South America, Australia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHAPMAN: Petition of the National Anti-Retail Mail Order League, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of Union ex-prisoners of war, for passage of pension bill for ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. DENBY: Petition of Fred Shelby and others, of Michigan, against the passage of the bill (S. 3940) for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of W. W. Wilson, of Troy, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of Woodlawn Grange, No. 350, Patrons of Husbandry, against a parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of New York Board of Trade and Transportation, for appropriation to improve the upper Hudson—to the Committee on Rivers and Harbors.

Also, petitions of the Stationers' Board of Trade of New York City; Levy Brothers, of New York City; the Rochester Stamp- ing Company; E. W. Hanchet; the Schlegel Manufacturing Company; the W. Stursberg Schell Company; the Sibley, Lindsay & Curr Company; James F. White & Co.; and the Jewelers' Board of Trade, favoring present bankruptcy law and any legislation for its improvement—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New York, favoring appropriation for representation of American products at the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Manufacturers' Association of New York, for appropriation for survey of the upper Hudson—to the Committee on Rivers and Harbors.

By Mr. FOWLER: Petition of John W. Stevens and others, of the Fifth Congressional District of New Jersey, favoring the Burkett-Foelker bill, prohibiting telegraphing of gambling bets, etc.—to the Committee on the Judiciary.

Also, petition of Antoinette Hayes and others, of the Thursday Morning Club of Madison, N. J., favoring H. R. 24148, relative to children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. FULLER: Petition of citizens of Rutland, Ill., against legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of Seattle, favoring appropriation of \$1,000,000 for aid in construction of highways in Alaska—to the Committee on Agriculture.

Also, petition of the Vulcan Refining Company, of Streator, Ill., to place tin scrap waste on the free list—to the Committee on Ways and Means.

Also, petition of Wilmer Atkinson, editor of the Farm Journal, of Philadelphia, against H. R. 24473, for revision of postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of committee of wholesale grocers of New York, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of West Newbury (Mass.) Grange, for legislation to establish a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Danvers Grange, No. 263, Patrons of Husbandry, for a national highways commission and for federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Danvers Grange, No. 263, Patrons of Husbandry, favoring passage of Davis bill (H. R. 24841)—to the Committee on Agriculture.

By Mr. GOEBEL: Petition of the Minn & Dixon Company, of Cincinnati, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Cincinnati, Ohio, favoring the enactment of an effective Asiatic law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of the Rochester Stamping Company, New York, favoring improvement of bankruptcy act in the Shirley bill (H. R. 21929)—to the Committee on the Judiciary.

Also, petition of the Antikamnia Chemical Company, of St. Louis, Mo., against the Mann bill (H. R. 21982)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of New York, for appropriation for the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the National Civil Service Reform League, favoring support of the veto of the census bill—to the Committee on Reform in the Civil Service.

By Mr. GRAHAM: Petition of Union ex-prisoners of war, favoring the ex-prisoners of civil war pension bill and asking passage of the same—to the Committee on Invalid Pensions.

Also, petition of M. E. Rhea, of Avalon, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of Commercial Club of Dickinson, N. Dak., for the issuance of clear titles to lands covered by homestead entries of which final proof has been made or may be made—to the Committee on the Public Lands.

Also, petition of citizens of Bergen, N. Dak., against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of North Dakota Wholesale Grocers' Association, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of citizens of Cass County, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Twelve Corners Grange, of Berrien County, Mich., favoring a national highways commission—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of Lyng & Johnson and 18 others, of Pricelyn, Minn., against establishment of parcels post and postal savings banks (S. 5122 and S. 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Smith Brothers, of Augusta, Ga., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Steamboatmen's Union of San Francisco, Cal., against removal of the marine hospital from its present location to Angel Island—to the Committee on Naval Affairs.

Also, petitions of J. E. Reinwater and 42 others, of Shubuta, Miss.; George Boden and 48 others, of Turtle Creek, Pa.; Paul Moveroy and 95 others, of San Francisco, Cal.; and Hugh Dixon and 92 others, of Seattle, Wash., favoring an effective Asiatic

exclusion law against all Asiatics, excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HIGGINS: Petition of Connecticut Civil Service Reform Association, favoring support of the veto of the census bill—to the Committee on the Census.

Also, petition of George A. Welten and others, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of B. P. Bishop and others, of Norwich, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of citizens of Linwood, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of William Edward Prater (H. R. 27849)—to the Committee on Pensions.

By Mr. HOWLAND: Petition of citizens of Hinckley, Medina County, for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Thomas Cawley, jr., of Brainerd, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Minnesota Live Stock Breeders' Association, supporting Davis bill favoring technical education—to the Committee on Agriculture.

Also, petition of the Minnesota Implement Dealers' Association, for H. R. 15837—to the Committee on Agriculture.

Also, petition of Columbia Typographical Union, favoring printing the work of the census by the Government Printing Office—to the Committee on the Census.

Also, petition of Silas W. Burt, favoring support of the President's veto of the Crumpacker census bill—to the Committee on reform in the Civil Service.

Also, petition of the American National Live Stock Association, at Los Angeles, Cal., against advances in interstate rates, fares, and charges except upon approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of citizens of Culbertson, Nebr., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. PARKER: Petition of citizens of Montclair, N. J., favoring legislation against telegraphing gambling news—to the Committee on the Judiciary.

By Mr. ROBINSON: Paper to accompany bill for relief of Mont M. James (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RYAN: Petition of the Chamber of Commerce of New York, favoring participation of the United States Government in the Brussels Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the L. Dollman Company, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Grand Army of the Republic, Department of New York, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Indianapolis Freight Bureau, for increase of power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Commandery of Naval and Military Order of Spanish War Veterans, favoring campaign badges indicating service in Cuba, the Philippines, and China—to the Committee on Military Affairs.

By Mr. SABATH: Petition of the Illinois Manufacturers' Association, favoring appropriation to secure swift lines of steamers to South America, Australia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHEPPARD: Paper to accompany bill for relief of George W. Blake—to the Committee on Invalid Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, of Bristol, Va.—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of Z. H. Van Norman and 24 others, of Drayton Plaines, Mich., favoring H. R. 18204, for national aid in technical education—to the Committee on Agriculture.

Also, petition of Casco Pomological Society, of South Haven, Mich., favoring the bill for regulation of manufacture, sale, and transportation of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of Mather's Printing House, favoring legislation against the Government printing cards on

stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: Paper to accompany bill for relief of C. A. Powell, attorney of the estate of Dr. John H. Jones—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of citizens of Portage County, Ohio, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of M. L. Crouch and others, for H. R. 15837, in aid of highways—to the Committee on Agriculture.

By Mr. TIRRELL: Petitions of William H. Bacon and others, and A. A. Barber, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of William H. Bacon, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Kennedy Grange, No. 496, Patrons of Husbandry, and Ross Grange, No. 305, Patrons of Husbandry, favoring a national highways commission—to the Committee on Agriculture.

SENATE.

WEDNESDAY, February 10, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. HENRY C. HANSBROUGH, a Senator from the State of North Dakota, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DISBURSEMENT OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of May 16, 1908, a detailed statement showing all revenues of every kind and character collected and all funds from all sources received and credited to each of the Choctaw, Chickasaw, Cherokee, Creek and Seminole tribes of Indians from January 28, 1898, to July 1, 1908 (S. Doc. No. 707), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel ship *Hope*, Sylvester Bill, master (H. Doc. No. 1440), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Cornelia A. Ulmer, widow of Albert F. Ulmer, deceased, *v. United States* (S. Doc. No. 709);

In the cause of John Alexander Besonen *v. United States* (S. Doc. No. 711); and

In the cause of Elmer K. Ramsburg and Alvah S. Ramsburg, executors of Urias D. Ramsburg, deceased, *v. United States* (S. Doc. No. 710).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ROCK RIVER BRIDGES.

The VICE-PRESIDENT laid before the Senate the bill (S. 8564) to authorize the construction of two bridges across the Rock River, State of Illinois, returned from the House of Representatives in compliance with the request of the Senate.

Mr. CULLOM. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move that the bill be indefinitely postponed. The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907; and

H. R. 27069. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the city of Henderson, Ky.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 13809. An act for the relief of Charles S. Blood; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

CREDENTIALS.

Mr. TALIAFERRO presented the credentials of DUNCAN U. FLETCHER, appointed by the governor of the State of Florida a Senator from that State until the next meeting of the legislature thereof, to fill the vacancy in the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Board of Trade of Wilmington, Del., remonstrating against the enactment of legislation proposing to fix arbitrarily the price for smokeless powder, which was referred to the Committee on Naval Affairs.

He also presented memorials of the Typographical Union of St. Louis, Mo.; the Typographical Union of Henderson, Ky.; the Allied Printing Trades Council of St. Louis, Mo.; the Typographical Union No. 79 of Wheeling, W. Va.; the Typographical Union of Syracuse, N. Y.; the Typographical Union of Cincinnati, Ohio; the Typographical Union of Bradford, Pa.; the Typographical Union of Adrian, Mich.; and the Typographical Union of Evansville, Ind., remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

Mr. KEAN presented a petition of the State Board of Agriculture of Trenton, N. J., and a petition of the State Horticultural Society of Trenton, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, and transportation of fungicides and insecticides entering into interstate commerce, which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to establish a national children's bureau in the Department of the Interior, which was referred to the Committee on Education and Labor.

He also presented a petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men of the navy after twenty-five years' actual service, which was referred to the Committee on Military Affairs.

Mr. SCOTT presented a petition of Local Lodge No. 308, Benevolent and Protective Order of Elks, of Grafton, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BRANDEGEE presented a petition of the congregation of the First Baptist Church of Bozrah, Conn., and a petition of the congregation of the Center Congregational Church, of Meriden, Conn., praying for the passage of the so-called "Burkett antirace-gambling" bill, which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the ratification of reciprocal trade relations with the Dominion of Canada, which was referred to the Committee on Foreign Relations.